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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

CENTRAL VALLEY AUDITORIUM

SACRAMENTO, CALIFORNIA

MONDAY, JUNE 9, 2003

1:00 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Michael Paparian, Chairperson

Cheryl Peace

STAFF

Julie Nauman, Chief Deputy Director

Marie Carter, Acting Chief Counsel

Howard Levenson, Deputy Director

Michel Bledsoe, Staff Counsel

Mark de Bie

Tad Gebrehawariat

Jeff Hackett

Reinhard Holhwein

Willie Jenkins

Keith Kennedy

Mary Madison-Johnson

Bill Marciniak

Jenny McCartney

Wes Mindermann

Leslie Newton-Reed

Dianne Ohiosumua

Carla Repucci

Virgina Rosales

Jim Sandoval

APPEARANCES CONTINUED

STAFF

Scott Walker

Mike Wochnick

ALSO PRESENT

Kevin Baso, Forward Landfill

Grace Chan, LA County Sanitation District

John Cupps, Chicago Grade Landfill

Sean Edgar, CRRRC

James Giannopoulos, State Water Resources Control Board

Paula Harrold, LEA

Chuck Helget, Allied Waste

Crystal Reul Chen, SWCV

Robert McClellan, San Joaquin County

Kathleen Mead, Air Resources Board

Scott Milner, San Luis Obispo LEA

Mark Schleich, Santa Barbara County LEA

Lisa Sloan, Santa Barbara County LEA

Nancy Steele, Manager, Air Resources Board

Gary Van Dorst, City of Redwoods

Kim Yap, LA County LEA

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Welcome, everybody. This
3 is the Integrated Waste Management Board Permitting and
4 Enforcement Committee.

5 Before we start I'll ask the secretary to call
6 the roll.

7 SECRETARY FARRELL: Jones?

8 Peace?

9 COMMITTEE MEMBER PEACE: Here.

10 SECRETARY FARRELL: Paparian?

11 CHAIRPERSON PAPARIAN: Here.

12 And then just as a reminder, if you could turn
13 off your cell phones and pagers, or at least turn them to
14 the vibrate mode so they don't bother us during this
15 hearing, we would appreciate it.

16 And if you want to speak on any item, there are
17 speaker slips in the back of the room. You can fill those
18 out and give them to Ms. Farrell here at the front of the
19 room.

20 Do you have any ex partes, Mrs. Peace?

21 COMMITTEE MEMBER PEACE: Yes, I spoke to Chuck
22 Helget and Kevin Baso regarding the Forward, Inc.,
23 Landfill.

24 CHAIRPERSON PAPARIAN: Thank you.

25 And I also spoke with Chuck Helget regarding the

1 Forward Landfill item as well as Mark Aprea regarding the
2 ADC item.

3 This is our new and improved Committee. We are
4 now a three-member committee, consisting of myself, Mrs.
5 Peace and Mr. Jones. Mr. Jones is not here today. If
6 this were a classroom, we would call it an excused
7 absence. But he will be back for the full Board meeting.

8 From this point forward our typical schedule
9 meeting time will be 1:30 p.m. However, if there's a need
10 for a workshop or if we need -- or if we have an
11 especially long agenda, we may occasionally have an
12 earlier start time, as we're doing today. The 1 o'clock
13 start time is reflective of the length of the agenda that
14 we have before us today.

15 There's a couple of agenda items I'd like to call
16 out.

17 Agenda Item D related to the Archie Crippen site
18 the going is going to be an abbreviated presentation
19 today, with a fuller presentation to be heard at the full
20 Board meeting next week, so that all the Board members
21 will have an opportunity to hear that.

22 Also, Agenda Item F, which is the discussion of
23 Landfill Operations Training Certification Program, will
24 be heard at the full Board meeting instead of this
25 meeting. Mr. Jones had requested that discussion, I think

1 wanted to be there to be part of that discussion.

2 There are two late agenda items that won't be
3 heard today due to scheduling problems, but will be heard
4 at the Board meeting. I think Mr. Levenson, you'll be
5 going into those in your update. So why don't I just turn
6 it over to you at this point.

7 DEPUTY DIRECTOR LEVENSON: Okay. Thank you, Mr.
8 Paparian. And good afternoon, Mrs. Peace.

9 Got a number items to tell you about today. I'll
10 try and get through them pretty quickly because I know we
11 have a very packed agenda.

12 First of all, as you know, we conducted a
13 workshop this morning on alternative daily cover, which
14 both of you attended, to gain additional public input on
15 the proposed regulations. And we'll be having a second
16 workshop on June 23rd down in Diamond Bar. And then at
17 the July 7th P&E Committee meeting we'll be bringing the
18 package back to you for a formal public hearing and
19 requesting your direction on the regulations themselves
20 and whether we should go out for 15-day comment.

21 In July we also will have a number of other items
22 on several important issues. We will have an initial
23 discussion on the applicability of the new conditions that
24 the Board included in the C&D debris processing
25 regulations and there applicability to other regulatory

1 packages. So we're putting that together. It'll be a
2 first discussion point for that.

3 We will have Phase 2 of the C&D regulations,
4 15-day request. Mention the ADC regs. And we will also
5 have regulations on LEA staffing adequacy. So it'll be
6 quite a few regulatory packages in July.

7 With respect to the C&D debris processing
8 regulations, per your direction staff has been actively
9 assisting the LEAs in planning for the implementation of
10 those regulations. We've developed and shared tools with
11 the Board staff and LEAs that help navigate them through
12 the permit requirements. We've been going to the LEA
13 roundtables and getting feedback from the LEAs on
14 practical implementation issues that they anticipate for
15 the upcoming C&D regs as well as problems they've already
16 encountered with the newly effective compostable materials
17 regs. And we are developing responses.

18 In anticipation of the C&D regulations becoming
19 effective next month, we have encouraged the LEAs to begin
20 early permit discussions with the operators so that they
21 hopefully can come into compliance with those new
22 regulations as quickly as possible.

23 Let's see. I wanted to report to you on the
24 status of some of the other Crippen-like sites that we
25 identified in the C&D inventory earlier this year, two of

1 the high priority sites in particular.

2 One of them was Bethencourt in Imperial county.

3 And you'll recall that the Board approved a Board-managed
4 cleanup under the 2136 program last month. We were hoping
5 that the operator would get the message and begin taking
6 actions themselves instead of having to rely on the Board.
7 And that indeed has happened. The operator did bring in
8 equipment to grind the material. And we understand that
9 it was supposed to be -- the grinding was supposed to be
10 completed by the end of last week.

11 The operator's also working with the LEA and the
12 local fire authority. And when the grinding's complete,
13 the processed material will go to Colmac Energy, the
14 co-gen plant for use as fuel. So that sounds very
15 positive.

16 One of the other high priority sites was
17 Florin-Perkins. It still remains a high priority. We've
18 continued to monitor this site extensively and to work
19 with the LEA on additional enforcement actions. On June
20 4th, last Friday, I did send a letter to the LEA, which
21 was cc'd to your offices, suggesting that the LEA issue an
22 amended notice and order with specific recommendations
23 about further management of the pile. And we're going --
24 still working back and forth with the LEA on that. We
25 also indicated our willingness to have staff to

1 participate in legal hearings, as needed, as the LEA
2 pursues that enforcement action.

3 Two other items. One is to let you know about
4 the status of the upcoming legislative audit. Late last
5 month, Mark Leary, Julie Nauman, and I met with
6 representatives of the State Auditor in a formal entry
7 meeting. At this meeting the representatives laid out the
8 general process and guidelines under which they'll be
9 conducting the audit, including confidentiality
10 requirements. They're currently in the scoping phase.
11 And we've had quite a few meetings with one of the audit
12 staff who's housed on the 10th floor. She has focused on
13 the Crippen situation and various related permitting and
14 enforcement issues.

15 The last thing I'd like to bring to your
16 attention other than the additional agenda items is that
17 there was another fire in Fresno City on Friday that we
18 became aware of over the weekend. We have been in contact
19 with the LEA. This was not at the Crippen site, I should
20 say from the outset.

21 The fire was at an operation called the Bairos
22 B-a-i-r-o-s Recycling Operation. It started on Friday an
23 it's now out. They think the fire might have been started
24 by a spark on a forklift.

25 The business is in the city, and it operates a

1 buy-back center and a paper recycling operation. They
2 accept cans, bottles, newspaper, cardboard, and plastic.
3 It is not a solid waste facility. It's considered to be
4 fitting within our definition of a recycling center under
5 the transfer station regs and is not regulated by the LEA.

6 We're checking further on the facility to see
7 what else it accepted and whether it was just from
8 drop-offs or whether there were commercial accounts and
9 self-haul involved.

10 The LEA is not aware of any complaints. Although
11 any complaints that did occur would have been referred to
12 the city. And we are checking to see if the site did have
13 a CUP. So this would have been a code enforcement CUP
14 kind of issue.

15 So that's just in case you hear about that in the
16 news.

17 Lastly, as you mentioned, Mr. Paparian, we do
18 have two additional items that will be heard at the Board.
19 They'll be Number 45, which is approval of new sites for
20 the solid waste disposal and codisposal cleanup program;
21 and then another last item on considering augmentation for
22 the Environmental Services Contract related to General
23 2136 cleanup activities.

24 And that concludes my report, and ready to go
25 when you are.

1 CHAIRPERSON PAPARIAN: We had a request due to a
2 scheduling problem from one of the folks here today. It's
3 a non-controversial -- at least I think it's a
4 non-controversial item. It's Item J, or Item 31 on the
5 regular agenda. If we could take that out of order, I
6 think the -- there's some folks who are up here for that
7 who would be most appreciative.

8 DEPUTY DIRECTOR LEVENSON: That would be fine,
9 with whatever order you prefer to take that up. The only
10 other request that I've had is from the Air Resources
11 Board, who's up here to discuss their rules -- their
12 proposed rules. And they also would like to be heard
13 early, as they have flights back to southern California.

14 That is item --

15 CHAIRPERSON PAPARIAN: Which item is the Air
16 Board?

17 DEPUTY DIRECTOR LEVENSON: Item E.

18 CHAIRPERSON PAPARIAN: Why don't we hear this
19 Item J, and then let me just take a look at what's ahead
20 of them.

21 DEPUTY DIRECTOR LEVENSON: Okay. Item J -- we're
22 going to have to scramble -- just a second -- because we
23 weren't anticipating.

24 Tad, are you ready?

25 CHAIRPERSON PAPARIAN: Go ahead.

1 DEPUTY DIRECTOR LEVENSON: Are you ready?

2 Okay. Item J is consideration of a revised Full
3 Solid Waste Facility Permit (Transfer/Processing Station)
4 for the City of Newport Beach Transfer Station in Orange
5 County.

6 And Tad Gebrehawariat will be presenting that
7 item.

8 MR. GEBREHAWARIAT: Good afternoon.

9 The proposed revised permit is to allow an
10 expansion of the hours of operation on Saturdays to be
11 from 7 a.m. to 4:30 p.m. and also allow operations on
12 Sundays from 7 to 11 a.m.

13 The Sunday operations are for material transfer
14 from the facility only and are limited to a maximum of 15
15 Sundays per calendar year.

16 As we have presented in the table on page 3 of
17 the agenda item, all of the requirements for the proposed
18 revised permit have been met. Therefore, staff recommend
19 that the Board adopt Solid Waste Facility Permit, Decision
20 number 2003-319, concurring with the issuance of Solid
21 Waste Facility Permit Number 30-AB-0361.

22 Ms. Patricia Henshaw of the LEA, Mr. David
23 Niederhaus from the City of Newport Beach are here to
24 answer any questions you may have.

25 And this concludes my presentation.

1 CHAIRPERSON PAPARIAN: Okay. Thank you very
2 much. And thank you, Ms. Henshaw and Mr. Niederhaus, for
3 joining us here today. I don't think there are any
4 questions on this item.

5 Mrs. Peace?

6 COMMITTEE MEMBER PEACE: Yeah, I don't think I
7 have any questions.

8 I would like to move Resolution Number 2003-319,
9 consideration of a revised Full Solid Waste Facilities
10 Permit (Transfer/Processing Station) for the City of
11 Newport Beach Transfer Station, Orange County.

12 CHAIRPERSON PAPARIAN: I'll second that.

13 Secretary, call the roll.

14 SECRETARY FARRELL: Peace?

15 COMMITTEE MEMBER PEACE: Aye.

16 SECRETARY FARRELL: Paparian?

17 CHAIRPERSON PAPARIAN: Aye.

18 And I think that would be a candidate for
19 consent.

20 So I think we can go back to the regular order.
21 And as I understand it, we could probably get through the
22 items ahead of the Air Board item fairly --

23 DEPUTY DIRECTOR LEVENSON: I think so.

24 CHAIRPERSON PAPARIAN: Yeah. So why don't you go
25 ahead.

1 DEPUTY DIRECTOR LEVENSON: And we have a
2 PowerPoint coming up for Item B please.

3 Item B will be presented by Carl Repucci. And
4 this is consideration of the grant awards for the Farm and
5 Ranch Solid Waste Cleanup Abatement Grant Program, Fiscal
6 Year 2002/2003.

7 MS. REPUCCI: Good afternoon, Mr. Chairman and
8 Mrs. Peace.

9 (Thereupon an overhead presentation was
10 Presented as follows.)

11 MS. REPUCCI: My name is Carla Repucci, and I
12 will present Committee Agenda Item B for the consideration
13 of four applications for Farm and Ranch Solid Waste
14 Cleanup and Abatement Grants.

15 The purpose of the Farm and Ranch Grant Program
16 is to clean up illegal disposal sites on farm and ranch
17 property where the owner has stipulated that he or she is
18 not responsible for the dumping.

19 Cities, counties, resource conservation
20 districts, and native American tribes are eligible to
21 apply for funds on behalf of a farmer or rancher who has
22 an eligible disposal site on their property. Land owned
23 by a public entity is also eligible.

24 A property owner eligible for clean up through
25 this program is not required to pay back the funds. There

1 is \$1 million available for Fiscal Year 2002/2003, of
2 which \$92,901 have been awarded to date.

3 Four applications were received for the fourth
4 quarter of this fiscal year. The applications have been
5 reviewed for eligibility, scored, and are being
6 recommended for approval today.

7 --o0o--

8 MS. REPUCCI: Lake County has requested \$48,545
9 to clean up two privately owned sites. Both parcels have
10 been vacant for many years, allowing unrestricted access
11 for illegal dumping.

12 The first site is on a 13-acre parcel adjacent to
13 an agricultural preserve. There is over 700 cubic yards
14 of waste, consisting mainly of abandoned vehicles. The
15 new property owner has done extensive work towards abating
16 the nuisance condition of the property. The property is
17 currently being used for hay production. The owner plans
18 to occupy the property and raise livestock.

19 The second site in Lake County has over 550 cubic
20 yards of waste on 320 acres once used for a commercial
21 rabbitry.

22 --o0o--

23 MS. REPUCCI: Mendocino County has requested
24 \$8,830 to clean up this site. This illegal disposal site
25 is in a remote section of the forest four miles east of

1 the City of Fort Bragg and is used for timber harvesting.
2 The site includes eight vehicles and ten appliances in
3 addition to tons of household garbage, and is uphill from
4 domestic water sources and the Noyo River watershed.

5 --o0o--

6 MS. REPUCCI: Nearly 75 percent of Yuba County is
7 designated as farmland for grazing land. A recent county
8 survey showed 25 percent of residents live below the
9 poverty line. The economic status of the county, coupled
10 with the large amount of vast open farmland have resulted
11 in major problems with illegal dumping. The Yuba County
12 Environmental Health Department is requesting \$29,779.90
13 to clean up six parcels including this area.

14 The area is heavily used for illegal dumping due
15 to the remote location and the lack of security measures.
16 The presence of the waste impairs the landowners from
17 harvesting the orchard, poses an environmental threat, and
18 is an attraction for further dumping.

19 --o0o--

20 MS. REPUCCI: Nevada County is requesting
21 \$2,052.57 to reimburse a property owner for the clean up
22 of this waste that was completed in November of 2002. The
23 property is remotely located about 12 miles from Nevada
24 City and is currently used for timber harvesting.

25 The owner performed the cleanup without the

1 knowledge of the Farm and Ranch Grant Program and is now
2 seeking reimbursement of his expenses. Reimbursement for
3 a previous cleanup is specifically allowed in statute.

4 The waste was mainly household garbage and also
5 included some appliances and tires. The application
6 included photographs of the waste prior to clean up,
7 receipts from the transfer station, after-photographs, and
8 all other required documentation.

9 For each of the four applications the agency
10 applying certified that the property owners did not
11 authorize the illegal disposal of waste on to their
12 property.

13 Agenda Item B is for the consideration of four
14 grant applications for Farm and Ranch Solid Waste Cleanup
15 and Abatement Grants. All four applications meet the
16 eligibility requirements set forth by the statute.
17 Therefore, staff recommends the Board adopt Resolution
18 2003-314 authoring the award of up to \$89,707.47 for grant
19 applications from the counties of Lake, Mendocino, Yuba,
20 and Nevada, and directing staff to develop and execute
21 grant agreements.

22 I would be happy to answer any questions.

23 CHAIRPERSON PAPARIAN: Mrs. Peace.

24 COMMITTEE MEMBER PEACE: Now, did staff work out
25 with any of these sites what they could do to keep this

1 from happening again?

2 MS. REPUCCI: That has to be addressed in the
3 application, what types of securities measures they
4 could -- you know, gates can they put up or surveillance
5 cameras or those types of things.

6 COMMITTEE MEMBER PEACE: So all these sites do
7 have something in place to hopefully keep this from
8 happening again?

9 MS. REPUCCI: Well, for several of the sites,
10 they were vacant and now they are occupied. Several other
11 sites are putting up gates or have already installed
12 gates.

13 COMMITTEE MEMBER PEACE: Okay. I would like to
14 move Resolution Number 2003-314, consideration of the
15 grant awards for the Farm and Ranch Solid Waste Cleanup
16 and Abatement Grant Program, Fiscal Year 2002/2003.

17 CHAIRPERSON PAPARIAN: Second.
18 Secretary, call the roll.

19 SECRETARY FARRELL: Peace?

20 COMMITTEE MEMBER PEACE: Aye.

21 SECRETARY FARRELL: Paparian?

22 CHAIRPERSON PAPARIAN: Aye.

23 And I think this would be a candidate for fiscal
24 consensus.

25 Okay. Next item.

1 DEPUTY DIRECTOR LEVENSON: Okay. Item C will be
2 presented by Wes Mindermann. This is consideration of the
3 scoring criteria and evaluation process for the Fiscal
4 Year 2003/2004 Solid Waste Disposal and Codisposal Site
5 Cleanup Grant Program.

6 MR. MINDERMAN: Good morning, Mr. Chairman and
7 Committee member.

8 (Thereupon an overhead presentation was
9 Presented as follows.)

10 MR. MINDERMAN: I do have an item -- or I do
11 have a presentation here which summarizes the item. I can
12 briefly summarize it to say that we are -- the Solid Waste
13 Disposal and Codisposal Site Cleanup Program does have two
14 grant components. We have a proposal for a grant scoring
15 criteria which we believe effectively marries the
16 statutory, regulatory, and Board policy requirements with
17 respect to grant programs. We also feel that we have an
18 evaluation process that also marries the regulatory,
19 statutory, and policy requirements from the Board.

20 I have a presentation to go through the entire
21 item. But I can go right to the recommendation, which is
22 staff recommend the Board adopt the Resolution Number
23 2003-315, and approve the proposed scoring criteria and
24 evaluation process.

25 CHAIRPERSON PAPARIAN: Great. And I understand

1 one of the issues was doing this a little bit differently
2 than some of our other grants in that some of our other
3 grants have a geographic distribution policy, which in my
4 view -- it's something I've advocated in the past, but in
5 my view is really more applicable when we're giving out
6 different types of grants other than cleanup grants.
7 Where cleanup, you know, we can't really dictate which
8 area's going to need to be cleaned up. We just go for
9 where the need is.

10 So it's quite appropriate in my mind to have the
11 exemption from the geographic criteria.

12 DEPUTY DIRECTOR LEVENSON: Mr. Paparian, if I
13 might point out, just to follow up on that, that that is
14 explicitly delineated in the resolution, just so we have
15 that on the record.

16 CHAIRPERSON PAPARIAN: Okay. Mrs. Peace.

17 COMMITTEE MEMBER PEACE: Okay. I would like to
18 move Resolution Number 2003-315, consideration of the
19 scoring criteria and evaluation process for Fiscal Year
20 2003/2004 Solid Waste Disposal and Codisposal Site Cleanup
21 Grant program.

22 CHAIRPERSON PAPARIAN: Second.

23 Secretary, call the roll.

24 SECRETARY FARRELL: Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 SECRETARY FARRELL: Paparian?

2 CHAIRPERSON PAPARIAN: Aye.

3 I think would be a candidate for consent. That
4 wouldn't fiscal consent, would it.

5 No, it would be consent. Yes.

6 Next item.

7 DEPUTY DIRECTOR LEVENSON: Okay. Item D is
8 consideration of approval of the Archie Crippen Excavation
9 Illegal Disposal Site for the Solid Waste Disposal and
10 Codisposal site Cleanup Program.

11 As you know, we've been working extensively on
12 this item and still are continuing to try to refine cost
13 estimates. And we expect to bring a full discussion
14 before you at the Board meeting on the 17th and 18th. We
15 thought with your permission we'd just provide a quick
16 update today on where we are. And if you had any specific
17 questions, we could answer them for you.

18 Wes again will be just giving you a brief update
19 on that.

20 MR. MINDERMAN: Thank you, Mr. Levenson.

21 With respect to the Crippen site, program staff
22 are continuing to work with our contractor, all the
23 agencies involved, the local governments, to come up with
24 alternatives and try and put some firm costs on those
25 alternatives for potential cleanup options out at the

1 site. The LEA continues to go out and monitor the site to
2 ensure that the risk for a potential fire is still
3 minimized. They continue to monitor the temperature of
4 the piles. And those temperatures have not risen,
5 according to the latest reports that I have.

6 And we as staff are working on our agenda item to
7 present the alternatives -- various alternatives to the
8 Board at the Board meeting next week, with some costs. I
9 can tell you this, that -- right now that the range of
10 costs that we have for full potential remediations out at
11 the site range from 2.5 to \$3 million.

12 So we will continue to work for the rest of the
13 week and put our agenda item together for the Board's
14 consideration.

15 DEPUTY DIRECTOR LEVENSON: Just in adding on to
16 that, one of the -- this item has a revised title for the
17 Board meeting itself. And that revised title reflects the
18 potential for the Board to consider an emergency
19 augmentation of the Guinn Engineering Services Contract so
20 that we could -- we'll have the flexibility to implement
21 whatever decision you make regarding the Crippen cleanup.

22 So we'll be coming in with that as well. It will
23 be two resolutions within the same item. Or at least --
24 well, be reflecting that, those two options, the cleanup
25 itself and the augmentation.

1 Also, we have been calling Fresno City
2 extensively over the last part of last week. We spoke
3 with a staffer, we spoke with the city attorney, and left
4 a message with the city manager requesting that city
5 manager or higher level representative be at the Board
6 meeting so that they could discuss this cleanup with you.
7 I do have a response on that at this time other than a
8 message from the city attorney that he will pass that on
9 to the city manager.

10 We'll keep calling. And I did send a letter --
11 faxed a letter down on Friday to the same effect so that
12 there's something in writing on that request.

13 CHAIRPERSON PAPARIAN: Good.

14 CHIEF DEPUTY DIRECTOR NAUMAN: Mr. Chairman, if I
15 might add. I talked with Mark Leary late this morning
16 about this situation and our concerns that we're not
17 getting direct calls back and commitments to be here and
18 commitments to seriously negotiate. It's Mark's intent
19 that he will place a call this afternoon to probably the
20 mayor's office to impress upon them the Board's interest
21 in being of assistance to the city in cleaning up the
22 site, but our need to be able to have direct conversations
23 with them and our interest in having someone present at
24 the Board meeting next week so that you can have some
25 serious and fruitful negotiations occur at that time. So

1 I just wanted to let you know that we do intend to follow
2 up at the executive director level.

3 CHAIRPERSON PAPARIAN: Good.

4 Mrs. Peace.

5 COMMITTEE MEMBER PEACE: No. The only thing I
6 had to say really was that I'm so frustrated, I think as
7 with everybody else on the Board, that this is taking so
8 long to resolve and get cleaned up. And I hope, you know,
9 we can discuss something and have something happen at the
10 Board meeting next week.

11 DEPUTY DIRECTOR LEVENSON: That is our intent, to
12 bring you specific options, with as detailed cost
13 estimates as we can, so that you'll have the full range
14 and you can decide between a Board-managed cleanup or
15 grants; or if you're not satisfied with what the city's
16 offering, you can direct us to, you know, work further
17 with the city in some manner. So it will all be there in
18 the item before you so that we can take some action.

19 CHAIRPERSON PAPARIAN: Okay. Thank you.

20 DEPUTY DIRECTOR LEVENSON: Thank you, Wes.

21 Okay. Item E is a discussion of the California
22 Air Resources Board's proposed rules for diesel fleets.

23 This was requested by a member of the solid waste
24 industry that we have this presentation. And the Air
25 Board has been kind enough -- Kathleen Mead and Nancy

1 Steele are here to give you a brief update on the proposed
2 rule.

3 I first heard about this at the Driving Green
4 Task Force a couple months ago when Kathleen made a
5 presentation on the diesel rules in general, not
6 specifically on public fleets. So this is a little bit
7 more focused presentation.

8 Nancy came up from southern California in order
9 to make this presentation to you and be able to respond to
10 any questions or comments either from you or interested
11 parties.

12 So I will -- I think we're going to get that up.
13 It is up.

14 And, Nancy, I'll turn it over to you.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 DR. STEELE: Thank you. Thank you for inviting
18 me, Mr. Chairman and Mrs. Peace. I appreciate the
19 opportunity to come here and give you some information
20 about some regulations we're in the process of developing
21 to reduce diesel emissions from in-use heavy-duty trucks.

22 And first I'd like to state I am the manager for
23 the group that is in charge of developing these
24 regulations, not just for refuse-removal trucks but for
25 all heavy-duty trucks.

1 Kathleen Mead, who's sitting right there, is a
2 staff person, is in charge of a couple of the rules.
3 She's focusing on transit buses and public fleets, which
4 is one of the two items I'm going to be talking to you
5 about today.

6 --o0o--

7 DR. STEELE: What I wanted to do first is give
8 you a little bit of background as to why we've undertaken
9 this course.

10 In 1998 the Air Resources Board identified diesel
11 particulate matter emissions as a toxic air contaminant.
12 And we followed that two years later with a plan, the
13 Diesel Risk Reduction Plan, to reduce emissions of diesel
14 particulate matter, as we are required to by statute.

15 Also required by statute, then once we've
16 identified something as a toxic air contaminant, we are to
17 undertake the development of airborne toxic control
18 measures, which is what we're doing now.

19 --o0o--

20 DR. STEELE: Particulate matter has health
21 hazards. It is associated with an increase in lung
22 cancer, an increase and an aggravation of asthma attacks
23 and bronchitis and other respiratory diseases. And
24 particulate matter in the air is a known contributor to
25 premature death in those with existing heart and lung

1 disease.

2 --o0o--

3 DR. STEELE: Seventy percent of the air toxics
4 risk is from diesels. This has been confirmed both by
5 studies in the South Coast Air Quality Management District
6 in southern California and statewide. When we look at all
7 of the identified diesel -- or, I'm sorry -- all of the
8 identified toxic air contaminants, diesel PM is the
9 greatest contributor of health risk.

10 --o0o--

11 CHAIRPERSON PAPARIAN: Could I ask just a quick
12 question on that?

13 DR. STEELE: Yes.

14 CHAIRPERSON PAPARIAN: So is your total universe
15 all vehicle emissions or all emissions, stationary and
16 vehicle?

17 DR. STEELE: All emissions, stationary and
18 mobile, yes -- and vehicle. This is again representing
19 just identified air toxics.

20 CHAIRPERSON PAPARIAN: Yeah. Thanks.

21 DR. STEELE: And when we looked at what were the
22 contributors to diesel particulate matter, mobile
23 sources -- vehicles, boats, locomotives, construction and
24 farm equipment -- are the greatest contributors. About 98
25 percent of the diesel particulate matter emissions come

1 from mobile sources. And what we are tackling primarily
2 are the heavy-duty trucks and buses and also the off-road
3 sources, which together comprise almost 50 percent of the
4 total of mobile emissions.

5 Other on-road and other off-road are taken care
6 of through other measures, some voluntary. Some of those
7 are federally controlled sources that the Air Resources
8 Board does not control directly.

9 --o0o--

10 DR. STEELE: The Diesel Risk Reduction Plan which
11 our board adopted in 2000 essentially called on us to
12 develop on-road measures, again for trucks, buses, and
13 off-road measures, like construction equipment and farm
14 equipment, locomotives, boats, ships. Primarily what
15 we're talking about are, again, heavy-duty vehicles,
16 heavy-duty diesel vehicles.

17 The Diesel Risk Reduction Plan called for us to
18 reduce diesel particulate matter emissions by 85 percent
19 from 90 percent of the vehicles by 2020. That was the
20 goal.

21 --o0o--

22 DR. STEELE: Now, let me turn to the first of the
23 two regulations I'm going to give you some information
24 about today. The first one regarding solid waste
25 collection vehicles I'll talk the most about because we

1 actually have a -- we have actually opened the 45-day
2 public comment period on this rule. Our board will be
3 hearing this rule on July 24th and 25th in Sacramento.

4 The second item that I'm going to talk to you
5 about, the second rule, we're just in the early stages of
6 development.

7 --o0o--

8 DR. STEELE: The scope of this rule is owners --
9 it applies to owners of solid waste collection vehicles
10 and also municipalities that contract for service for
11 solid waste removal. Primarily this is all vehicles
12 through 2006 model year. It's actually -- we had to set a
13 lower bound. It's actually 1960 rather than 1970. I
14 missed that typo. And vehicles greater than 14,000 pounds
15 GVW used to collect residential and commercial solid waste.
16 The rule, as I said, also applies to city, counties, and
17 other agencies that either operate their own vehicles or
18 that contract for service.

19 --o0o--

20 DR. STEELE: The compliance methods are that the
21 owners of the vehicles are to choose the best available
22 control technology for each vehicle, which we define;
23 follow a defined implementation schedule for applying the
24 best available control technology. And the municipalities
25 are to submit annual reports to the Air Resources Board

1 regarding companies that they contract with, and telling
2 us that those companies are in compliance. The vehicle
3 owners are to keep certain records in the shop and on the
4 vehicle. And the records that they're to keep on the
5 vehicle primarily will be contained in a label. So we're
6 not asking that they have a sheaf of papers. But it will
7 be a label inside the door that has some essential
8 information about the best available control technology
9 that they've applied to that vehicle, because not all of
10 the technology is something you can just look and see that
11 the truck has.

12 --o0o--

13 DR. STEELE: The best available control
14 technologies that we've identified are to use a diesel
15 engine or power system that meets a standard of 0.01 grams
16 per brake-horsepower-hour particulate matter; to use an
17 alternative fueled engine, such as CNG or LNG, in place of
18 a diesel engine; or to apply what we call a diesel
19 emission control strategy, which has been verified by the
20 Air Resources Board to the highest applicable diesel PM
21 emission reduction capability.

22 The regulation does have specific compliance
23 delays written in. Some of those are automatic if certain
24 situations occur. And certain of those have to be applied
25 for by the vehicle owner.

--o0o--

1

2

DR. STEELE: And let me explain a little bit what

3

I meant by verification and highest applicable diesel

4

emission control strategy.

5

The Air Resources Board has set up a procedure

6

for verifying strategies to a specific level, so

7

they're -- we verify them to three levels. Level 1 is

8

greater than 25 percent PM reduction; level 2, 50 percent

9

or greater; and Level 3, 85 percent or greater.

10

The verification requires that a company submit

11

to us emissions tests, that they demonstrate that the

12

technology is durable, that they offer and honor a

13

warranty, and there's a provision for in-use compliance

14

testing after the equipment is on the market. So we're

15

trying to ensure that any equipment that a vehicle owner

16

is going to apply to their vehicle is durable, does what

17

it says -- or operates as advertised, and that there's a

18

warranty. And so through that mechanism we hope that

19

vehicle owners will be using good high-quality technology

20

if they so choose to use that technique for achieving best

21

available control technology.

--o0o--

22

23

DR. STEELE: We do have a verification regulation

24

that has been adopted by our board, so verification

25

procedure is now codified. And we list verified systems

1 for specific engines on our website. We have I believe
2 about six or seven systems verified right now. And we
3 have a number of applications under evaluation.

4 --o0o--

5 DR. STEELE: The proposed implementation schedule
6 for this regulation begins in 2004 and concludes in 2010.
7 Although with some of the compliance delays, there may be
8 vehicles that are able to implement by 2011. So we expect
9 to have this -- this is essentially a seven-year
10 compliance schedule. Phasing in -- we put the engine
11 model years in groups based on our evaluation of who owns
12 what in the industry.

13 We know that there's a difference in vehicle
14 turnover rates and vehicle ages based on the type of
15 company. And also what we were trying to do through this
16 implementation schedule is give everybody basically seven
17 years, or an opportunity to implement, I should say, over
18 a longer timeframe. The shortest timeframe, therefore --
19 I'm sorry -- if a company has mostly newer engines, they
20 would be implementing primarily groups 1 and 3. If they
21 have predominantly older engines, they would be
22 implementing group 2. In either case they would have
23 until 2010 for complete compliance with this regulation.

24 Now, I wanted to turn to a rule that, as I said,
25 we have only proposed and had one workshop on. And so I

1 don't have as much to say about it because whatever I say
2 can still change based on the results of workshops.

3 --o0o--

4 DR. STEELE: But we have noticed for a public
5 workshop a public on-road fleets rule.

6 I should mention that the solid waste collection
7 vehicle rule focuses very narrowly on, as I said,
8 residential and commercial solid waste. And it does not
9 cover transfer vehicles, for example. This rule would
10 bring in transfer vehicles into that mix -- if they are
11 publicly owned, I should say. Privately owned transfer
12 vehicles would be -- we would not have a rule that would
13 apply to them until much later.

14 --o0o--

15 DR. STEELE: When we proposed this and did the
16 workshop, we had split the scope into two categories:
17 Vehicles that are actually owned by a public agency or
18 leased by that agency; and vehicles that are operated
19 under contract to that agency. The rule we proposed
20 similar implementation schedules and mechanisms, as with
21 the Solid Waste Collection Vehicle Rule.

22 We did get a lot of comments from public agencies
23 about the difficulty of regulating contract fleets. And
24 so we are considering doing that separately perhaps in a
25 later rulemaking.

1 As I mentioned earlier, the Solid Waste
2 Collection Vehicle Rule, the 45-day public comment period
3 has been opened and we have a board hearing scheduled at
4 the end of July.

5 The Public Fleets Rule, we had our first public
6 workshop in April of this year. And I have to be rather
7 iffy on the board's schedule because when we actually
8 bring it to the board is going to depend a lot on our work
9 loads and layoff plans in the agency among statewide,
10 whether we have staff to work on it. And also we have --
11 as I said, we had a lot of comments that indicated we
12 needed to do some more work on this.

13 So it could come to our board the end of this
14 year or it could get pushed into the early part or middle
15 of next year as far as when we bring that forward.

16 --o0o--

17 DR. STEELE: And, lastly, I just wanted to give
18 you the contact information for the lead staff. In
19 addition to Kathleen Mead, Crystal Reul Chen is the lead
20 person on the Solid Waste Collection Vehicle Rule.

21 And I would be happy to answer any questions you
22 may have.

23 CHAIRPERSON PAPARIAN: A couple of questions.

24 The Municipal Fleet Rule, would that apply to
25 state-owned vehicles also?

1 DR. STEELE: Yes.

2 CHAIRPERSON PAPARIAN: Have you estimated at all
3 how many state vehicles there are that might apply?

4 DR. STEELE: We have. I'm trying to remember. I
5 think the total scope of that rule was around 10,000
6 vehicles total. And -- yeah, Kathleen doesn't remember.
7 I don't have that --

8 CHAIRPERSON PAPARIAN: Curiosity I have on the
9 side. But, yeah, I know, the -- when you consider the
10 University of California and state university system,
11 could be -- and the Caltrans, could be quite a bit.

12 DR. STEELE: Right.

13 CHAIRPERSON PAPARIAN: Do you have any estimates
14 on the cost per vehicles of doing some of the retrofits

15 DR. STEELE: Well, the way we calculated the cost
16 is based on -- as I mentioned, there's a variety of
17 technologies that a vehicle owner can use. The least
18 expensive using a diesel station catalyst is around \$2,000
19 and requires no special fuel.

20 Probably the most expensive would be a repower or
21 replacement, a re-engine of the vehicle, which we
22 estimated to be around I believe \$38,000. That's not
23 including buying a whole new vehicle. That's the engine
24 itself. And that ranged -- the estimates we got from
25 engine companies, so it was quite a wide range. But that

1 was sort of the middle ground as far as the cost.

2 And as far as a per vehicle, it's hard to say
3 again because you've got such a wide range of
4 technologies. It's going to be somewhere between \$2,000
5 and, let's say, \$40,000 to round. We estimate the total
6 cost of this regulation to be -- over the seven years to
7 be about \$73 million.

8 CHAIRPERSON PAPARIAN: If somebody is using an
9 alternative fuel, the various forms of natural gas or
10 whatever, this rule would not apply to them, right?

11 DR. STEELE: Well, right, to the -- if all of
12 their vehicles -- or any vehicles that are alternative
13 fuel vehicles would not be -- they wouldn't have to do
14 anything else to those vehicles. They would be considered
15 to comply.

16 CHAIRPERSON PAPARIAN: Okay. And is there any
17 difference for this biodiesel fuel that's been talked
18 about lately?

19 DR. STEELE: Biodiesel is not defined as an
20 alternative fuel at this time. It would be considered an
21 alternative diesel fuel. And the way our system is set
22 up, what we're proposing in this regulation is that the
23 biodiesel would need to be verified as a diesel emission
24 control strategy. It is not now verified. If it does
25 become verified, then they would be able to use it.

1 CHAIRPERSON PAPARIAN: Mrs. Peace, did you have
2 any questions?

3 COMMITTEE MEMBER PEACE: Well, do I understand
4 what you're asking then, that the municipal fleets be
5 upgraded to have the cleaner air standards before the same
6 requirements are of the public sector?

7 DR. STEELE: No, the municipal fleets would --
8 the first regulation that we're bringing forward is on the
9 solid waste collection vehicles. And then the next rule
10 that we're proposing in the mobile source arena would be
11 the publicly owned -- other publicly owned, I should say,
12 non-refuse vehicles because they're already covered in
13 this rule. And they will likely have a slightly later
14 implementation date depending on when we bring that to the
15 Board. We have to give them a little bit of a lead time.

16 There is another rule that I have not mentioned
17 because it's not really germane to this body that would
18 cover cargo, fuel tank, or delivery trucks. And we're
19 also working actively on that regulation.

20 So each of these rules -- our goal is eventually
21 to adopt regulations that cover all heavy-duty diesel
22 vehicles. These are just the first ones that we're
23 bringing forward.

24 COMMITTEE MEMBER PEACE: Okay. Thank you.

25 CHAIRPERSON PAPARIAN: Okay. We did have one

1 person who wanted to speak, Sean Edgar from CRRRC. If you
2 could -- you're going to hang out for a few minutes,
3 right?

4 DR. STEELE: Sure.

5 CHAIRPERSON PAPARIAN: Okay.

6 MR. EDGAR: Chairman Paparian, Board Member
7 Peace, good afternoon. Sean Edgar on behalf of the
8 California Refuse Removal Council. Thank you for the
9 opportunity to address this very timely issue.

10 There's no dispute to the benefits of cleaner
11 trucks. Our companies are purchasing trucks on a less
12 frequent basis than some of the public agencies involved
13 in refuse collection and recycling. Our average fleet
14 turnover is somewhere in the neighborhood of 14 to 16
15 years. So those trucks stay on the road often times a
16 long time.

17 Our companies do have to be competitive, as
18 you're aware. As you may also be aware, so many of our
19 companies draw their roots in three or four generations
20 ago when they were collecting the stuff with horse-drawn
21 carts. We happen to have transitioned to diesel, and now
22 a lot of our companies are transitioning to other
23 alternative fuels. Needless to say, the level of
24 investment is staggering. And on a local basis we're able
25 to implement a lot of those improvements that you have

1 heard about just a moment ago.

2 I'd just to give a little bit of perspective from
3 our industry's viewpoint, from our trade association's
4 viewpoint. You know, we're in the business of
5 environmental protection, so you have no dispute from us
6 that cleaner trucks would provide a direct benefit to the
7 communities that we serve.

8 We've had concerns during this rule development,
9 and we've been very appreciative of CARB staff working
10 through a lot of those concerns with us. As an example,
11 the first question is: Do the keys turn over in the motor
12 at three in the morning when we need to go out and do the
13 route.

14 We had the opportunity last week to visit with
15 the City of Los Angeles. We were informed how they were
16 able to make 360 of their trucks work with some of this
17 diesel trap systems. And we came away from that meeting
18 very encouraged that, yeah, it appears that the technology
19 does work. In the case of the City of L.A. they have a
20 pretty homogeneous fleet. Many of our fleets are many
21 different engine manufacturers, many different body types.
22 But needless to say, we left last week's experience with a
23 greater degree of confidence that a lot of these traps
24 systems function and would function for us.

25 We also have been able to look into the cost

1 estimate items that Dr. Steele mentioned that, Mr.
2 Paparian, you had a few questions on that was just
3 released last Friday. And we dug into it over the weekend
4 a little bit. And we still have a few concerns on the
5 cost side specifically, you know, as pretty much our
6 business condition is, we're regulated in the maximum
7 rates we can charge. So our ability to recapture any sort
8 of capital investment or operating costs over time is very
9 limited under existing contracts. So we're still working
10 through with ARB staff what the correct mechanism to do
11 that would be.

12 But we know that the rule has to really
13 contemplate our business condition because, as I
14 mentioned, we have very limited ability under current
15 contracts to absorb what we view to be tens of millions --
16 or hundreds of millions of dollars in new costs.
17 Understanding that, as I started out, we replace our
18 vehicles on a regular basis, this effort would effectively
19 accelerate, if not double, our fleet -- our normal fleet
20 replacement schedule. So I ran just the quick math to
21 share some numbers with you. My point being that this
22 investment will surpass the investment in AB 939 to date
23 over the last 13 years.

24 As an example, using CARB's numbers, they had an
25 inventory of a little over 11,000 collection vehicles that

1 was covered by this, municipally operated as well as
2 privately operated. Out of those 11,000 vehicles, about
3 89 percent of those are operated by private companies.
4 Municipalities own and operate apparently about 11 percent
5 of the vehicle. That's what CARB's research shows.

6 So if you run into the technology options and
7 under the currently available technology scenario that
8 CARB runs in their staff report, there would be about 58
9 percent of the vehicles would require repower. So 58
10 percent of the 11,000, plus or minus, vehicles, that's
11 6380 vehicles. The cost of a repower CARB used is \$50,000
12 an engine. When you do the math, that's \$319 million.

13 That's one snapshot.

14 Another snapshot would be of the remaining 42
15 percent of the fleet that could receive some sort of
16 diesel retrofit device that maybe would not require a
17 repower, that 42 percent of the fleet, if we assume a
18 Level 3 device, a particulate filter system they use in
19 Los Angeles, CARB's number's about \$10,500. The math
20 there is about \$49.4 million dollars.

21 So I need to get with Dr. Steele and understand
22 her \$73 million estimate, because by our estimate this is
23 the largest single retrofit program that will ever be
24 attempted by the Air Resources Board, on a fleet which is
25 older, such as our fleet, at a time when this Board is

1 approving plans of correction for cities to dig deeper
2 into school system C&D recovery. The SB 2202 told us 50
3 percent forever. We have the plans of corrections
4 themselves that deal with more intensive collection.

5 So at a time where cities are being asked to dig
6 deeper, our haulers are going to be making more stops,
7 we're looking at absorbing several hundred million dollars
8 of new investment that was not contemplated at the time
9 the cities prepared their plans of correction that this
10 Board approved.

11 So that all having been said, we're confident the
12 it can be done. We've seen the technology, and the
13 technology seems to work. It's a question of how we work
14 together to get it done. We love the communities we
15 serve. This is not an industry that has been drug in,
16 resisting, and saying, "No, it cannot be done." Our
17 companies were pioneers in recycling programs before 939
18 came along, so there's no reason to expect we would not
19 continue that trend into the next decade. We just need to
20 have a little bit additional understanding with the Air
21 Resources Board. And your capacity as a sister agency, we
22 need you to also understand what the impacts on programs
23 will be.

24 I can guarantee you that absent a provision for
25 privately owned fleets to pass the cost of collection --

1 the additional cost of this new technology on to a rate
2 payer, absent that provision, the plans of correction that
3 the cities have committed that they're going to do, which
4 means our companies will be performing those plans of
5 corrections, they will fall flat on their face. And I
6 don't think that this Board has come as far as they have
7 over the last 13 years to achieve 48 percent diversion
8 statewide and end up an experience where for all of the
9 good intentions of a cross-media solution to air quality,
10 which we're fully in support of, we cannot execute our
11 promises to our cities and to this Board because we can't
12 go out and get the vehicles to turn over at three in the
13 morning because we're no longer operating those vehicles
14 because we can't afford to operate them.

15 So that having been said, thank you for the
16 opportunity to address this timely issue. I'm more than
17 happy to address any questions you have. And we are
18 confident that as we go forward over the next several
19 weeks with the Air Resources Board staff that we'll be
20 able to work through a solution how we can move the rule
21 forward together.

22 CHAIRPERSON PAPARIAN: Okay. Thank you, Mr.
23 Edgar.

24 Any questions?

25 COMMITTEE MEMBER PEACE: No.

1 Nancy, I see you back there. Would you like to
2 respond to any of this?

3 DR. STEELE: Just to say I don't have any direct
4 response. Mr. Edgar has worked very closely with us, and
5 the other members of his association, for the last two,
6 two and a half years, as he said. And I think we have
7 brought the rule pretty close to a feasible implementable
8 rule. And we always are going to have differences of
9 opinion as far as getting down to every little last
10 detail.

11 We do have a big detail that he alluded to, the
12 issue of how the companies that are rate regulated are
13 going to be reimbursed for their costs. We did -- in the
14 regulation that we have put out for public notice, we did
15 make municipalities that contract with rate-regulated
16 entities jointly responsible with the owners of the
17 vehicles for compliance.

18 Now, when we enforce this regulation, we
19 anticipate doing it on a vehicle-by-vehicle basis, looking
20 to see if the vehicle is in compliance with the regulation
21 and checking with the owner to see if the appropriate
22 percentage of vehicles are in compliance. And we believe
23 that there will be -- if the owner is not in compliance,
24 that we would not only look to the owner for compliance,
25 penalties, and enforcement, but we would also likely go to

1 the municipality and say to them, "Look, you told us that
2 this company was in compliance, and we find that they're
3 not. So you are also liable for penalties." We think
4 that that may help with the issue here of getting
5 rate-regulated companies some reimbursement of their
6 costs.

7 I did also want to point out that we did a
8 calculation as to how much this will cost on a
9 per-household basis. And we came up with about a dollar a
10 year per household. So while the cost is high on a
11 per-vehicle basis to those owners, if you look at the cost
12 from another perspective, from what all of us who get our
13 trash picked up are going to pay, it's not an unreasonable
14 amount for a municipality to go back and say, "We need to
15 raise the rates a little bit so that these guys can get
16 their costs reimbursed."

17 Thank you.

18 CHAIRPERSON PAPARIAN: Thank you.

19 Anything else?

20 I don't think, Mr. Edgar, you were asking us to
21 get involved in franchise agreements. But certainly --
22 you know, this issue seems to offer the opportunity as the
23 agreements come up for renewal to assure that you're
24 addressing issues like this. And presumably over the life
25 of the -- well, as the proposed rule kicks in for various

1 fleets and so forth, you know, hopefully in a lot of cases
2 you will have dealt with some of your renewals by then as
3 well.

4 MR. EDGAR: Correct, Member Paparian. But, you
5 know, what we see also is the frequency by which
6 agreements come up for renewal. It may be next year or
7 maybe five years, could be ten years from now. What the
8 industry will be asked is to absorb costs nearly
9 immediately. So our simple request is, based on the
10 success of 939, make it a 939-type program.

11 If in the case of 939, diversion from landfilling
12 was the public policy goal, here the goal is clean air,
13 which everyone should support, so the mandate should be
14 directly as it was with 939, city's obligation, and the
15 city will go to their service provider and negotiate with
16 their service provider what that additional incremental
17 cost. And that's the provision that we've asked for.
18 Because short of that provision there is no mechanism in
19 any agreement that any of our companies have that say any
20 new regulatory change program is an adjustment. As an
21 example, the plans of correction coming forward to this
22 Board where cities have identified how they're going to
23 execute those programs, they've identified to you that
24 they're going to raise fees one way or another. We're
25 just asking for the opportunity to be reimbursed for our

1 actual costs of performing this.

2 And one suggestion that we had was, based on the
3 success of 939, make it primarily a city obligation. But
4 we haven't yet gotten there with the Air Resources Board,
5 so we're still working through it. We're not asking this
6 Board to get in the middle of franchise agreements. We're
7 just asking -- we're asking this Board in its capacity as
8 the leaders in ensuring that we can meet the demands of
9 the next decade providing solid waste services, that
10 you're aware of it and lend your support to finding a
11 creative solution because we're sure a solution can be
12 found.

13 So with that I'll leave you. And thank you.

14 CHAIRPERSON PAPARIAN: Thank you very much. And
15 I know that a number of the, well, private and public
16 haulers have been very aggressive at looking at some of
17 the alternative fuels I know -- I see some of the people
18 here in this room who have taken great pride in some of
19 the alternative fuel vehicles that they've been pursuing
20 with some success. So I think that in some ways the
21 industry is showing some leadership in pursuing some of
22 the alternatives to some of the older technologies as
23 well. I think it's something that should be applauded.

24 And then I want to also, you know, thank the
25 representatives of the ARB for joining us today. I think

1 when we moved into this building part of the thought was
2 that there'd be a lot more interaction between the various
3 entities within Cal EPA. And I think that today's
4 presentation is an excellent example of that, where the
5 ARB is engaging in something that overlaps with our
6 interests. And I think keeping informed about what's
7 going on with those is very much appreciated.

8 And thank you, Mr. Edgar, for helping bring this
9 to our attention.

10 Okay. Next item.

11 DEPUTY DIRECTOR LEVENSON: Okay. Our next -- as
12 you indicated earlier, Mr. Paparian, the Item F will be
13 going straight to the Board.

14 So we'll be going to Item G. I'm not going to
15 read the entire item title.

16 Discussion of Board staff's alternative daily
17 cover investigation starting in summer 2002 as it relates
18 to state minimum standards at eight northern California
19 landfills.

20 Mary Madison Johnson will be presenting that,
21 along with Mark.

22 MS. MADISON-JOHNSON: Good afternoon, Mr. Chair
23 and member. I am Mary Madison-Johnson, Permitting and
24 Inspection Branch.

25 This item provides information on the results of

1 the 2002 investigation of ADC use and compliance with
2 state minimum standards at eight landfills in northern
3 California.

4 Staff provided the status of the investigations
5 during the Board's December 2002 meeting. As the
6 investigations were not yet complete, the Board directed
7 staff to continue with the tasks and report back where
8 there are complete findings and recommendations.

9 Staff of the Board's Diversion Planning and Local
10 Assistance Division have prepared a separate June 2003
11 agenda item regarding the accuracy of a disposal reporting
12 system in landfill records, discrepancies between
13 landfills and DRS records, and potential issues with what
14 counts as diversion. That item is number 13 on the
15 Board's agenda for the June meeting.

16 The eight landfills in this investigation were
17 selected based on questions or concerns raised by
18 stakeholders at ADC workshops about facilities used who
19 have ADC or relatively high quarterly ADC usage.

20 The investigations resulted in originally
21 identifying issues with state minimum standard compliance
22 as it relates to ADC use in the following areas:

23 Commingled and layered ADC materials without a
24 demonstration project;

25 Inadequate pre-processing of ADC feed stock;

1 RFI and/or permits were not updated to describe
2 the ADC operations; and

3 Long-term stockpiling of ADC and reuse contribute
4 to difficulties in determining daily usage.

5 Following the initial investigation Board staff
6 contacted LEAs regarding the results and thereafter
7 conducted formal inspections of all facilities. During
8 the inspections board staff found all of the previous
9 issues had been addressed, with the exception of a need to
10 update the report of facility information.

11 Board staff are continuing to work with LEAs to
12 assure they are taking appropriate actions to gain
13 compliance with the report of facility information
14 requirements.

15 The proposed revisions to the ADC regulations
16 that are currently underway will provide staff, LEAs, and
17 operators more complete basis for avoiding noncompliance
18 in determining compliance status in the future as they
19 address processing, grain-size specifications, beneficial
20 use, clarify the process for blending, commingling, and/or
21 layering.

22 This item was prepared for discussion only. No
23 action by the Board is necessary.

24 And that completes my presentation. And I'm
25 available for any questions.

1 CHAIRPERSON PAPARIAN: Thank you very much.

2 Any questions?

3 Well, thank you for the presentation.

4 We don't have any speaker slips on this item, do
5 we?

6 DEPUTY DIRECTOR LEVENSON: I'll just note that
7 it's the same issue that Mary identified in her agenda
8 item regarding the RDSI came up quite a bit today in terms
9 of descriptions of the RDSI and JTD. So we'll be looking
10 at that in the regulatory package that will be before you
11 next month.

12 CHAIRPERSON PAPARIAN: Okay. Thank you very
13 much.

14 DEPUTY DIRECTOR LEVENSON: Okay. Now, we'll be
15 moving on to nine permit items -- nine remaining, one
16 already having been taken care of.

17 The first one is Item H, consideration of a
18 revised Full Solid Waste Facilities Permit (Disposal
19 Facility) for the City of Santa Cruz Resource Recovery
20 Facility, Santa Cruz County.

21 Jeff Hackett will be presenting that.

22 MR. HACKETT: Good afternoon. My name is Jeff
23 Hackett. I work in the Facilities Operations Branch of
24 the Permitting and Enforcement Division.

25 Just as a reminder, this is one of the sites that

1 the Board is currently the enforcement agency for. We're
2 the enforcement agency for Santa Cruz County.

3 The resource recovery facilities owned and
4 operated by the City of Santa Cruz. The facility began to
5 operate in the mid-1920's as a burn dump and received its
6 first solid waste facilities permit in 1978.

7 The permit was last revised in 1997 to increase
8 the permitted disposal tonnage from 400 tons per day --
9 oh, I'm sorry. That's what going for today. But their
10 permit was last revised in '97 to increase the solid waste
11 disposal footprint from 40 acres to 67 acres and increase
12 the maximum elevation from 500 feet mean sea level to 510
13 feet.

14 This facility is a canyon-fill operation located
15 three miles west of the City of Santa Cruz. The
16 facility's surrounded by Wilder Ranch State Park to the
17 north, west and east, with sparse commercial, agriculture,
18 and residential development to the south.

19 The disposal footprint encompasses 67 acres of
20 the 100 acre parcel.

21 In addition to filling in the main canyon, the
22 eastern portion of the property is being developed with a
23 series of Subtitle D lined waste management units. The
24 estimated closure date is 2037.

25 This permit is to revise and increase the

1 permanent disposal tonnage from 400 tons per day to 535
2 tons per day.

3 In addition, the following operational changes
4 will be incorporated as described in the RDSI:

5 Going to change the facility name from the City
6 of Santa Cruz Class 3 Sanitary Landfill to the City of
7 Santa Cruz Resource Recovery Facility;

8 The addition of a household hazardous waste
9 collection program;

10 A construction and demolition debris diversion
11 program;

12 A designated public drop-off area; and

13 A green material chipping and grinding /
14 composting operation.

15 This city is currently conducting a pilot study
16 to evaluate the economic feasibility of shredding waste
17 prior to landfilling. If the shredding of waste is
18 determined to be feasible, for example, better compaction,
19 less wear and tear on equipment, the city will file an
20 application for an RFI amendment to reflect the ongoing
21 practice of shredding waste.

22 Again, this is only a pilot study at this point,
23 and they expect to complete the study in July.

24 Enforcement Section staff conducted an inspection
25 of the facility on May 14th, 2003. No violations of state

1 minimum standards were noted. Board staff have not
2 received any complaints or inquires from the public
3 regarding this facility.

4 Back in April when we first received the
5 application for the permit, we sent notice to the property
6 owners and the occupants of the residents along Dimeo
7 Lane, which is the primary access point to this landfill.
8 In addition, we published a notification in the Santa Cruz
9 Sentinel. We haven't received any inquiries regarding
10 these notices.

11 In summary, the following findings have been
12 made:

13 CEQA is being complied with;

14 The facility's design and operation are
15 consistent with state minimum standards;

16 The facility's in conformance with the Santa Cruz
17 County Integrated Waste Management Plan and, plus, closure
18 maintenance plans have been approved;

19 Financial assurance and operating liability
20 requirements have been met.

21 Please note that it was pointed out that I have
22 two minor changes to the proposed permit in Attachment 3,
23 page 3, section 15.

24 One of the changes was pointed out by the
25 Regional Water Quality Control Board during their review

1 of the permit. They asked that in addition to Waste
2 Charge Requirement Order Number 9462, that Order Number
3 9384 also be added. That's the Subtitle D blanket order.
4 Basically what happened is when the Water Board revised
5 the city's waste discharge requirements for 9462, they
6 failed to incorporate the blanket order. They did it for
7 the other sites, but they didn't do it on this site. So
8 when the waste discharge requirements get updated next
9 year, it will all be incorporated.

10 And the other minor change is to the operating
11 liability certification. And I'm going to change that
12 from that 495 to 503. May 2003 was the last review.

13 Board's Enforcement Agency Section has prepared a
14 post-permit and reviewed the supporting documentation and
15 determined that the permit and supporting documentation
16 are accepted for the Board's consideration of concurrence.

17 In conclusion, staff recommends the Board adopt
18 Solid Waste Facility Permit Decision Number 2003-3717,
19 concurring in the issuance of Solid Waste Facilities
20 Permit Number 44-AA-001.

21 Mr. Jim Sandoval of the City of Santa Cruz Public
22 Works Department is also present to answer any questions
23 you may have.

24 This concludes my presentation.

25 CHAIRPERSON PAPARIAN: Thank you.

1 Any questions?

2 COMMITTEE MEMBER PEACE: Okay. I would like to
3 move Resolution Number 2003-317, consideration of a
4 revised Full Solid Waste Facilities Permit (Disposal
5 Facility) for the City of Santa Cruz Resource Recovery
6 Facility, Santa Cruz County.

7 CHAIRPERSON PAPARIAN: Second.

8 We have a motion and a second.

9 Secretary, call the roll.

10 SECRETARY FARRELL: Peace?

11 COMMITTEE MEMBER PEACE: Aye.

12 SECRETARY FARRELL: Paparian?

13 CHAIRPERSON PAPARIAN: Aye.

14 I think this will be a candidate for consent.

15 Thank you.

16 DEPUTY DIRECTOR LEVENSON: Thank you, Mr.
17 Paparian.

18 Before we go on to Item I, I just want to clarify
19 that Item G, the discussion on ADC, was Committee only,
20 unless you have other directions. It would not be heard
21 at the Board.

22 CHAIRPERSON PAPARIAN: That was my understanding
23 as well.

24 DEPUTY DIRECTOR LEVENSON: Okay. Now, we'll move
25 on to Item I, consideration of a revised Full Solid Waste

1 Facilities Permit (Disposal Facility) for the Monofill
2 Facility, Imperial County.

3 And Leslee Newton-Reed will be presenting that.

4 MS. NEWTON-REED: The monofill facility is
5 located on undeveloped desert west of the Salton Sea in
6 Imperial County. The facility is owned and operated by
7 Desert Valley Company for the exclusive disposal of waste
8 generated by geothermal plants located near the Salton
9 Sea.

10 This proposed permit provides for the
11 construction of an additional cell for disposal.

12 The following changes are proposed:

13 Increase in permitted tonnage from 500 tons per
14 day to 750 tons per day;

15 Increase in permitted traffic volume from 25
16 vehicles per day to 38 vehicles per day;

17 Increase in permitted area from 160 acres to
18 181.5 acres; and

19 The increase in disposal area from 18.7 acres to
20 28.9 acres.

21 A mitigated negative declaration was prepared for
22 this project.

23 As indicated on page 30-3 of the agenda item,
24 Board staff have determined that all requirements have
25 been met. Therefore, staff recommend that the Board adopt

1 Solid Waste Facility Permit Resolution Number 2003-318,
2 concurring with the issuance of Solid Waste Facility
3 Permit Number 13-AA-0022.

4 The consultants to the operator and the LEA are
5 here to answer your questions.

6 This concludes staff's presentation.

7 CHAIRPERSON PAPARIAN: Thank you.

8 Just one quick question. So my understanding
9 from what you presented from the written material is that
10 the material going into this facility is exclusively
11 material from the geothermal operations?

12 MS. NEWTON-REED: Yes.

13 CHAIRPERSON PAPARIAN: And not any general public
14 material of any kind?

15 MS. NEWTON-REED: No.

16 CHAIRPERSON PAPARIAN: Mrs. Peace?

17 COMMITTEE MEMBER PEACE: Well, I just had a
18 question.

19 Leslee, on the Environmental Justice Section of
20 the item, it says that total Westmorland City population,
21 82 percent describe themselves as Hispanic. But in the
22 chart there's no place for the Hispanic/Latino category.
23 And it shows white as being 50 percent. So how can that
24 be?

25 MS. NEWTON-REED: In the census most -- or I have

1 heard that most of the Latino population considered
2 themselves white and checked off "white."

3 COMMITTEE MEMBER PEACE: Okay. I was just
4 curious as to how come some of the census categories will
5 have the Hispanic/Latino category in there and this one
6 doesn't.

7 MR. de BIE: I think there may be some variation
8 on how the information's presented. But staff's
9 understanding is that Latino/Hispanic is not a race
10 category; it's something other. So you could be white,
11 black, you know, Asian, and also be Latino and Hispanic.
12 And so staff has tried to routinely indicate the
13 classifications found in the census and then also indicate
14 of those the number of individuals identifying themselves
15 associated with Latino and Hispanic.

16 So if there's been variation in the staff's
17 presentation, we'll look at that and see, make sure that
18 we're consistent.

19 COMMITTEE MEMBER PEACE: Yeah, it just seems like
20 on some of the other items the Latino/Hispanic thing is a
21 separate category. And just wondered why the
22 inconsistency --

23 MR. de BIE: Okay. We'll fine-tune that to make
24 it more consistent with the consensus reporting.

25 COMMITTEE MEMBER PEACE: And also on the question

1 of the naturally occurring radioactive materials.

2 Who has the authority to oversee that, the
3 radioactive -- naturally occurring radioactive materials?
4 Is it the Health Services or is it us?

5 DEPUTY DIRECTOR LEVENSON: DHS.

6 MR. WALKER: Department of Health Services, DHS,
7 has the authority over radioactive wastes and materials.

8 COMMITTEE MEMBER PEACE: I have no more
9 questions.

10 Okay. I would like to move Resolution 2003-318,
11 consideration of a revised Full Solid Waste Facilities
12 Permit (Disposal Facility) for the Monofill Facility,
13 Imperial County.

14 CHAIRPERSON PAPARIAN: Second.

15 There's a motion and a second.

16 Would the secretary call the roll.

17 SECRETARY FARRELL: Peace?

18 COMMITTEE MEMBER PEACE: Aye.

19 SECRETARY FARRELL: Paparian?

20 CHAIRPERSON PAPARIAN: Aye.

21 I think this will be a candidate for consent.

22 DEPUTY DIRECTOR LEVENSON: Okay. We've already
23 taken care of Item J. So we'll move to Item K, which will
24 be presented by Willie Jenkins.

25 This is consideration of a new Full Solid Waste

1 Facilities Permit (Transfer/Processing Station) for the
2 Santa Ynez Valley Recycling and Transfer Station, Santa
3 Barbara County.

4 (Thereupon an overhead presentation was
5 Presented as follows.)

6 MR. JENKINS: Good afternoon, Mr. Chairman,
7 Member Peace.

8 Agenda Item 32 is for a consideration of a new
9 Full Solid Waste Facility Permit for the Santa Ynez Valley
10 Recycling and Transfer Station. This facility is operated
11 by the County of Santa Barbara Public Works Department on
12 land owned by the Chamberland Trust.

13 The proposed recycling and Transfer Station is
14 located on 12.6 acres within the Foxen Canyon Landfill
15 boundary. The Foxen Canyon Landfill has been in operation
16 since 1970.

17 The proposed permit would allow the facility to
18 process 212 tons per day of municipal solid waste and
19 waste and green waste, with a maximum of 126 tons per day,
20 calculated as a calendar monthly average. They will
21 receive a maximum of 126 vehicles per day, calculated as a
22 calendar monthly average.

23 The proposed operating days will be Sunday
24 through Saturday except holidays. The hours will be 8:30
25 to 4 PM for receipt of waste; and Sunday through Saturday

1 except holidays from 6 a.m. to 6 p.m. for maintenance
2 activities.

3 There's one correction to the agenda item. This
4 is on page 2, last paragraph, last sentence. The green
5 waste will not be transferred to the Tajiguas Landfill.
6 Green waste will be transferred -- all green waste will be
7 processed and stored on site and then distributed to local
8 users as mulch.

9 There are no issues or opposition to the proposed
10 facility. Board staff has determined that all the
11 requirements for the proposed new permit have been
12 fulfilled.

13 In conclusion, staff recommends that the Board
14 adopt Resolution Number 2003-320, concurring with the
15 issuance of Solid Waste Facility Permit Number 42-AA-0063.

16 This concludes staff's presentation. I'm
17 available to answer any questions.

18 Also here today are Lisa Sloan of the LEA and
19 Mark Schleich for the County of Santa Barbara Department
20 of Public Works.

21 CHAIRPERSON PAPARIAN: Okay. Thank you.

22 And thank you Mr. Schleich and Ms. Sloan for
23 joining us.

24 Do you have any questions, Mrs. Peace?

25 COMMITTEE MEMBER PEACE: No. I guess I'd -- I

1 said we get these items so late, we don't really have time
2 to go over it as thoroughly as we'd like to. Be nice if
3 we got these a little sooner.

4 Otherwise --

5 CHAIRPERSON PAPARIAN: I was just going to ask,
6 do you want to hold it in some way for the full Board
7 meeting because of that or do you want to go ahead with
8 it?

9 COMMITTEE MEMBER PEACE: No, I'm fine. I'll go
10 ahead with it. That's fine.

11 CHAIRPERSON PAPARIAN: Okay.

12 COMMITTEE MEMBER PEACE: Okay. I'd like to move
13 Resolution Number 2003-320 consideration of a new Full
14 Solid Waste Facilities permit (Transfer/Processing
15 Station) for the Santa Ynez Valley Recycling and Transfer
16 Station, Santa Barbara County.

17 CHAIRPERSON PAPARIAN: Second.

18 There's been a motion and a second.

19 Secretary, call the roll.

20 SECRETARY FARRELL: Peace?

21 COMMITTEE MEMBER PEACE: Aye.

22 SECRETARY FARRELL: Paparian?

23 CHAIRPERSON PAPARIAN: Aye.

24 I think this would be a candidate for consent.

25 And thank you again, both, for showing up. And I

1 don't know -- when the landfill closes down, presumably
2 this will become the transfer station to the stars. As
3 you explained to me, this was the landfill for the stars
4 who lived in the vicinity. But I guess that's another
5 story.

6 Okay. Next item.

7 DEPUTY DIRECTOR LEVENSON: Okay. The next item
8 is Item L, consideration of a revised Full Solid Waste
9 Facilities Permit (Transfer/Processing Station) for the
10 Pleasanton Garbage Service Transfer Station and Recycling
11 Center, Alameda County.

12 Reinhard Holhwein will present that.

13 MR. HOLHWEIN: Good afternoon.

14 This item regards an existing large volume
15 transfer facility located in the industrial portion of
16 Pleasanton in southern Alameda County. That site is a
17 traditional materials recovery facility and transfer
18 station that processes the waste from Pleasanton and
19 Livermore.

20 There has been a minor redesign of the facility
21 to allow for more effective resource recovery, and a minor
22 addition to the building increased the size of the
23 transfer building. But there are no changes in tonnage or
24 expected traffic.

25 Review of the CEQA process was found to be

1 satisfactory by the environmental review staff here at the
2 Board. And the facility was inspected by myself in
3 conjunction with the LEA last month and was observed to be
4 in compliance.

5 There's been no public opposition to the
6 expansion of the facility. There are no residents in the
7 immediate area, which is dominated by gravel pits. And
8 the area is best described as industrial.

9 All required findings have been made, including
10 the conformance finding for the nondisposal facility
11 element. And Board staff recommend concurrence on this
12 item and the adoption of Resolution 2003-321.

13 The LEA and the operator are here if you have any
14 questions.

15 CHAIRPERSON PAPARIAN: Mrs. Peace.

16 COMMITTEE MEMBER PEACE: I don't have any
17 questions.

18 CHAIRPERSON PAPARIAN: Go ahead.

19 COMMITTEE MEMBER PEACE: Okay. I would like to
20 move Resolution Number 2003-321 revised, consideration of
21 a revised Full Solid Waste Facilities (Transfer/Processing
22 Station) for the Pleasanton Garbage Service Transfer
23 Station and Recycling Center, Alameda County.

24 CHAIRPERSON PAPARIAN: Second.

25 There's been a motion and a second.

1 Secretary, call the roll.

2 SECRETARY FARRELL: Peace?

3 COMMITTEE MEMBER PEACE: Aye.

4 SECRETARY FARRELL: Paparian?

5 CHAIRPERSON PAPARIAN: Aye.

6 I think that's another candidate for consent.

7 Next item.

8 DEPUTY DIRECTOR LEVENSON: Item M, consideration
9 of revised Full Solid Waste Facilities Permit (Disposal
10 Facility) for the California Street Landfill, San
11 Bernardino County.

12 Dianne Ohiosumua will present this.

13 MS. OHIOSUMUA: The California Street Landfill is
14 located in the City of Redlands, and it is own and
15 operated by the City of Redlands.

16 The permit is to allow an increase in the maximum
17 tonnage, an increase in the permitted area, an increase in
18 the permitted disposal area, a change in the maximum
19 elevation, a lateral expansion, a minor change in the
20 hours of operations, an increase in the disposal capacity,
21 A change in the closure date, and a change in the maximum
22 traffic volume.

23 Board staff has reviewed the proposed permit and
24 supporting documents and found them to be acceptable.

25 In conclusion, staff recommends that the Board

1 adopt Solid Waste Facility Permit Decision Number
2 2003-322, concurring with the issuance of Solid Waste
3 Facility Permit Number 36-AA-0017.

4 Gary Van Dorst from the City of Redlands and
5 Paula Harold from the LEA as well as myself are available
6 to answer any questions you may have.

7 CHAIRPERSON PAPARIAN: Any questions, Mrs. Peace.

8 COMMITTEE MEMBER PEACE: Nope, no questions.

9 I like this when they come to the Board
10 completely done, no violations, complete package. This is
11 good.

12 CHAIRPERSON PAPARIAN: Yes. And thank you,
13 Ms. -- was it Harold, the LEA?

14 MS. OHIOSUMUA: Paula Harold.

15 CHAIRPERSON PAPARIAN: And Mr. Van Dorst, I guess
16 we miss you from Sacramento. But hopefully this is a good
17 opportunity for you in Redlands.

18 Want to make a motion?

19 COMMITTEE MEMBER PEACE: Okay. I would like to
20 move Resolution Number 2003-322, consideration of a
21 revised Full Solid Waste Facilities Permit (Disposal
22 Facility) for the California Street Landfill, San
23 Bernardino County.

24 CHAIRPERSON PAPARIAN: Second.

25 Motion and a second.

1 Secretary, call the roll.

2 SECRETARY FARRELL: Peace?

3 COMMITTEE MEMBER PEACE: Aye.

4 SECRETARY FARRELL: Paparian?

5 CHAIRPERSON PAPARIAN: Aye.

6 Another candidate for consent.

7 DEPUTY DIRECTOR LEVENSON: Okay. Item N,
8 consideration of a revised Full Solid Waste Facilities
9 Permit (Disposal Facility) for the Forward Landfill, Inc.,
10 San Joaquin County.

11 Keith Kennedy will be making the initial
12 presentation.

13 CHAIRPERSON PAPARIAN: And just so everybody
14 knows, I think after this item we'll take a brief break.

15 Go ahead.

16 MR. KENNEDY: Good afternoon, Board members.

17 The Forward Landfill and the Austin Road Landfill
18 are both owned and operated by Forward, Incorporated.

19 This permit revision intends to combine the two
20 adjacent landfills into one landfill under Forward
21 Landfill's existing permit.

22 The proposed revised permit allows for the
23 following major changes:

24 The combining of the Forward Landfill with the
25 Austin Road Landfill into one 560 acre landfill named

1 Forward Landfill, Incorporated.

2 The disposal of Class 2 and Class 3 waste at the
3 combined landfill.

4 A combining of the disposal footprint to 354.5
5 acres.

6 An increase in design capacity to 51 million
7 cubic yards.

8 A ten percent increase in daily permitted tonnage
9 from 7,880 tons per day to 8,668 tons per day. However,
10 the combined maximum weekly tonnage will not increase.

11 An increase in hours of operation from 4 a.m.
12 through 9 p.m. for receipt of waste; and 4 a.m. through
13 9:30 p.m. for facility operation 7 days per week.

14 And the combining of the permitted traffic volume
15 to 620 vehicles per day.

16 All of the potentially significant impacts that
17 would result from the above proposed changes were analyzed
18 for an environmental impact report, which was certified by
19 the San Joaquin County Planning Commission on February 6th
20 of this year.

21 During the pre-permit inspection of the Austin
22 Road facility a violation for explosive gases control was
23 noted at the boundary between the two landfills. At this
24 time, however, the facility is in compliance with state
25 minimum standards since the operator with independent

1 verification by the local enforcement agency has
2 determined that the gas readings are now within the level
3 of compliance.

4 It should also be noted that the boundary where
5 the landfill gas violation occurred will cease to exist if
6 the Board concurs on the issuance of the proposed permit.

7 Board staff has scheduled a focused inspection of
8 the facility later this week to verify compliance with the
9 landfill gas standards. However, if the Board determines
10 that the facility as proposed is in compliance, Board
11 staff recommends that the Board adopt Board Resolution
12 number 2003-323, concurring with the issuance of Solid
13 Waste Facility Permit 39-AA-0015.

14 The operator is here today and is prepared to
15 provide the Committee with more information regarding the
16 gas violation or any other questions you may have. Also
17 Robert McClellan, the LEA for San Joaquin County, is a
18 available for questions.

19 And that concludes staff's presentation.

20 CHAIRPERSON PAPARIAN: Okay. And you said that
21 the LEA has independently determined that the gas
22 violation issue has been taken care of?

23 MR. KENNEDY: That's correct.

24 CHAIRPERSON PAPARIAN: Okay. Any questions, Mrs.
25 Peace?

1 COMMITTEE MEMBER PEACE: Yes, I'd also like to
2 ask the LEA some questions regarding the change in hours.

3 MR. KENNEDY: Okay.

4 MR. McCLELLAN: Robert McClellan, San Joaquin
5 County Local Enforcement Agency --

6 CHAIRPERSON PAPARIAN: I'm sorry. Could you say
7 your name more slowly. I'm not sure our reporter got it.

8 MR. McCLELLAN: Robert McClellan, San Joaquin
9 County Local Enforcement Agency.

10 Chairman, member of the Board, questions
11 regarding hours?

12 COMMITTEE MEMBER PEACE: Yeah, it says here in
13 the -- under stakeholder impacts that there were some
14 concerns by the people living in the area about the
15 expansion of hours of operation. Now, I noticed that they
16 have now changed it to 7 days a week, you know, starting
17 at 4 in the morning.

18 Is this a concern of yours or other people in the
19 community? Or is it not really a concern because of the
20 other -- intermodal station that's nearby?

21 MR. McCLELLAN: Well, I attended the planning
22 commission meeting on February 6th, and the hours of
23 operation were discussed there. The committee members
24 there determined that it would be better if they were
25 reduced. So they were reduced from the proposed hours of

1 4 a.m. to midnight to what you see before you now, which
2 is 4 a.m. to 9 p.m. for receipt of waste.

3 Let me see. That was -- that decision was
4 appealed to our local board of supervisors by the Sierra
5 Club as well as the ag -- the Farm Bureau, and the hours
6 again were discussed there.

7 There was some discussion of reducing the hours
8 to 5 a.m. start time each morning, but somehow it got left
9 out of the resolution. So essentially it was passed as
10 was -- from what you see before you, the 4 a.m. to 9. And
11 essentially local process was done, the CEQA was done, so
12 I wrote the permit consistent with that.

13 COMMITTEE MEMBER PEACE: So what -- something got
14 left out of a resolution, so now they're going to be open
15 at 4 instead of 5?

16 MR. McCLELLAN: It was discussed to reduce the
17 hours to a start time of 5 a.m. -- 5 a.m to 9 p.m. for
18 receipt of waste, till 9:30 for closure. But essentially
19 it did, it got left out of the resolution. It didn't
20 materialize essentially. So the item was passed as was.
21 So the hours did not get reduced. So --

22 COMMITTEE MEMBER PEACE: Can you tell me what the
23 amount of traffic -- there's that intermodal facility
24 close by.

25 MR. McCLELLAN: Correct.

1 COMMITTEE MEMBER PEACE: Say on a Sunday, how
2 many trucks are going to go to that facility on a Sunday?
3 Do you have any idea?

4 MR. McCLELLAN: I really can't speak to that
5 because I've never been by there on a Sunday. But -- I
6 mean that's a large -- that's a large facility that
7 they're going to construct. The six-lane freeway from I5
8 crossing over 99 to Austin Road to just supply that
9 facility. So the intermodal facility is huge. Forward's
10 operation in comparison will be, you know, a fraction of
11 that.

12 So the area is impacted by traffic. But the
13 board members -- the committee members at the planning
14 commission on February 6th noted that, that the area was,
15 you know -- there were other things in the area that would
16 cause traffic and noise and that this change would not be
17 inconsistent with what's already approved in that area.

18 COMMITTEE MEMBER PEACE: So the fact that a 5
19 a.m. start time was considered and then just left out,
20 that doesn't concern you?

21 MR. McCLELLAN: Well, I have to write things
22 consistent with the use permit and the CEQA that's before
23 me. So that's what I used as a guideline to write the
24 permit. Pamela Eric was the individual who had the
25 concerns about the hours. She was not there for the Board

1 meeting, but she had sent an individual to discuss the
2 issue. And, there again, it was passed.

3 COMMITTEE MEMBER PEACE: Okay. From your
4 standpoint do you think it's necessary that they start
5 their operations at 4 a.m. in the morning, 7 days a week?

6 DEPUTY DIRECTOR LEVENSON: If you have a longer
7 day, they can spread the loads out over that period of
8 time. That does stand to reason. Versus shortening the
9 hours, you're going to have fewer hours to accept waste --

10 COMMITTEE MEMBER PEACE: I understand there can
11 be traffic concerns Monday through Friday. I guess what
12 I'm concerned about is on the weekends. Do we give the
13 neighbors any time to sleep in? Or will this not matter
14 because the intermodal -- it will be having traffic going
15 by all the time anyway?

16 MR. McCLELLAN: The intermodal facility is a
17 24-7, so I think they anticipate a certain amount of
18 traffic all the time at the intermodal facility. They
19 wouldn't ask for those hours if it wasn't what they
20 anticipated.

21 There's three ways -- there's three routes of
22 traffic into the facility -- there's three routes to get
23 into the facility: Mariposa Road, the Austin Road -- Arch
24 Road to Austin Road, and then French Camp Road to Austin
25 Road to the facility.

1 Pamela Iric lives south of the facility on Austin
2 Road. Maybe if you were to restrict traffic -- if the
3 operator would agree to, you know, restrict traffic on
4 that road. The only thing is you're shifting it to the
5 other roads. So are you being fair? I don't know.

6 COMMITTEE MEMBER PEACE: Was there as many
7 residences -- would there be as many residences that would
8 be affected --

9 MR. McCLELLAN: I would say there's a fair
10 amount. Yeah, there's an equal amount.

11 COMMITTEE MEMBER PEACE: Even if you changed the
12 route?

13 MR. McCLELLAN: Yeah, if they changed the route,
14 there's an equal amount.

15 COMMITTEE MEMBER PEACE: Then there will be other
16 people being affected?

17 MR. McCLELLAN: They would be impacted, yes. The
18 roads are bigger there, more industrial area. That's the
19 only thing. The one south of the facility is more rural.

20 CHAIRPERSON PAPARIAN: Do you have an
21 inclination, Mrs. Peace, what direction you'd like to go?
22 There's only two of us here today, so you'd have kind of a
23 controlling interest here.

24 COMMITTEE MEMBER PEACE: I guess there's a lot of
25 traffic from the intermodal, and there's nothing we can do

1 that about. I'm just wondering if the operators of
2 Forward Landfill wouldn't mind restricting their Sundays
3 to, say, maybe 10 or 12 a month, I mean so there's not so
4 much traffic on the weekends.

5 CHAIRPERSON PAPARIAN: Well, does the operator
6 want to step forward and address this?

7 MR. BASO: Good afternoon, Chair Paparian, Member
8 Peace. I'm the general manager of the Forward Landfill.

9 I hear the question as regarding our Sunday
10 operation, if we're willing to restrict that operation
11 further. And the answer is simple, yes. There's two ways
12 we can look at it. And I'll leave it up to the Board's
13 discretion here.

14 Is, one, we could limit the number of Sundays.
15 And I'm satisfied with the number of ten Sundays per year
16 at our discretion so we can -- at times we may need that
17 Sunday. So we can use those Sundays as we see fit through
18 the year.

19 The second way outside of that, leave Sundays
20 available. And we can operate between the hours of, let's
21 call it 7 o'clock till 4 o'clock on Sundays. And --

22 COMMITTEE MEMBER PEACE: Can you do both?

23 MR. BASO: Can we do both? If it pleases this
24 Board, certainly. Yes.

25 COMMITTEE MEMBER PEACE: Yeah, I think I'd like

1 that.

2 MR. BASO: Okay.

3 COMMITTEE MEMBER PEACE: Thank you.

4 MR. BASO: Thank you.

5 CHAIRPERSON PAPARIAN: Okay. Now, we don't have
6 the opportunity to amend a permit in that fashion here
7 before the Committee. But I think we had a very clear
8 statement and commitment from the operator. And
9 presumably at the next opportunity that they would have
10 with a permit revision, that would be an appropriate thing
11 to include. Is that satisfactory?

12 COMMITTEE MEMBER PEACE: Yes.

13 CHAIRPERSON PAPARIAN: Okay. Mr. de Bie.

14 MR. de BIE: I missed the first part of what you
15 were suggesting in terms of process. Because I had an
16 idea too, so --

17 CHAIRPERSON PAPARIAN: Well, if you want to
18 offer -- my suggestion was we have a -- what a few years
19 ago was called a gentlemen's agreement, that they would
20 follow a certain protocol with regard to Sunday hours.
21 And my suggestion was that at the next opportunity that
22 they had for a permit revision involving this facility
23 that they would include that hours revision in that permit
24 revision. But you had another suggestion?

25 MR. de BIE: What we -- Mark de Bie with

1 Permitting and Inspection. What we strive for is to have
2 the operating documents be as close to reality as
3 possible. So maybe to strengthen it a little bit is to
4 work with the operator and the LEA with Board staff and
5 see if we could after the fact amend the RFI to reflect
6 this -- what the operator has indicated their willingness
7 to operate on Sundays, and have that in the document. So
8 it would be to some level controlling. The LEA would be
9 able to enforce that issue a little bit more. But it
10 wouldn't necessarily require a permit to be revised since
11 it would be within the parameters of what's in the permit,
12 the permit being broader. And then certainly when
13 appropriate, when the permit needs to come up to be
14 revised, we could make the permit consistent with -- but
15 since we're narrowing the hours, we could maybe keep that
16 in the RFI. And it could be as simple as, you know, a
17 letter or a memo inserted. It doesn't need to be a
18 formal -- necessarily a formal revision to that document.
19 But it would tighten it up a bit.

20 CHAIRPERSON PAPARIAN: Okay. I think our counsel
21 wanted to say something too.

22 Go ahead.

23 STAFF COUNSEL BLEDSOE: Mr. Chairman, in a
24 situation like this where the operator has voluntarily
25 agreed to, you know, reduce the hours of operation, as you

1 all were discussing, I think it would be most appropriate
2 to go ahead and have the LEA amend the permit to reflect
3 those changes so that the current approved permit when
4 it's issued is the one that everyone has agreed to.

5 MR. de BIE: And could we do that at Committee or
6 would it need to come back to the Board in that changed
7 version?

8 STAFF COUNSEL BLEDSOE: I think we could do that
9 at Committee. And then the Committee can refer it to the
10 Board on consent, or not, as they desire.

11 MR. de BIE: Okay. I think we've done that in
12 the past where a suggested change has been accepted by the
13 operator. It's clear in the record what that change will
14 be. And then a committee takes action. And then the
15 permit that actually gets issued by the LEA would insert
16 that change prior to issuance.

17 CHAIRPERSON PAPARIAN: Okay. Does that work for
18 all parties involved? I'm seeing a nod "yes" from the
19 operator.

20 Mr. Helget, I'm sorry, did you want to say
21 something about that?

22 MR. HELGET: Mr. Chairman, members of the
23 Committee.

24 I understand that. Although I would ask the
25 Committee to consider the possibility of just doing the

1 RFI amendment as Mark suggested. From our perspective
2 that seems to be a cleaner process and would seem to
3 obligate us to the same commitments that we've made
4 without having to go through a -- what potentially sounds
5 like a questionable process on the permit.

6 The Committee's choice, your leisure. But I
7 think that we certainly if we have a choice in this would
8 prefer an amendment to the RFI, to come back and do that.

9 COMMITTEE MEMBER PEACE: That's fine as far as
10 I'm concerned.

11 STAFF COUNSEL BLEDSOE: Well, Mr. Chairman, we'd
12 recommend going ahead and amending the permit. The RFI
13 and the permit should be consistent. And the RFI can
14 potentially be changed without changing the permit. So
15 it's better to amend the permit.

16 CHAIRPERSON PAPARIAN: And, again, this can all
17 be done before the Board meeting, right?

18 STAFF COUNSEL BLEDSOE: Yes.

19 CHAIRPERSON PAPARIAN: So that there's no --
20 Okay.

21 Yeah, I mean I'd -- you know, I'd suggest go
22 forward and try to amend the permit. If there's a hang up
23 for some reason and if this is going to push it beyond the
24 Board meeting, then maybe at the Board meeting we can
25 visit doing it with the other document. But I'd be

1 inclined to go with our legal counsel and amend the
2 permit, unless there's something that hangs up the whole
3 process because of that.

4 MR. de BIE: Just as a refined point on it, we'll
5 work with Robert to get a revision to the permit that he
6 submitted as proposed permit with the changes as
7 suggested. And then if there is a need, we'll have a
8 hearing at the Board, if there's some issue with the
9 operator, something to that regard, or otherwise -- well,
10 we'll just leave it there, I guess.

11 CHAIRPERSON PAPARIAN: With that change -- I'm
12 comfortable with it going on consent, if you're able to
13 make that change.

14 STAFF COUNSEL BLEDSOE: That would be fine.

15 CHAIRPERSON PAPARIAN: Mrs. Peace, are you
16 comfortable as well?

17 COMMITTEE MEMBER PEACE: Yes.

18 CHAIRPERSON PAPARIAN: Yeah, she's comfortable as
19 well.

20 So do we need to vote on this or -- we both
21 acknowledged that with the change we would like it go on
22 consent.

23 CHIEF DEPUTY DIRECTOR NAUMAN: Mr. Chairman, I
24 think you can vote that this is the version of the permit
25 that the Committee is recommending to the full Board on

1 consent. So you would -- you'd be adopting the permit as

2 Mrs. Peace has --

3 CHAIRPERSON PAPARIAN: -- as proposed to be

4 changed.

5 CHIEF DEPUTY DIRECTOR NAUMAN: -- as proposed to

6 be changed.

7 CHAIRPERSON PAPARIAN: Okay. So Mrs. Peace is

8 moving that we approve Resolution 2003-323, with the

9 understanding that there will be revisions forthcoming

10 with regards to the hours on Sunday. And I'm seconding

11 that motion.

12 So, Secretary, call the roll.

13 SECRETARY FARRELL: Peace?

14 COMMITTEE MEMBER PEACE: Thank you, Chuck. Thank

15 you, Kevin.

16 Aye.

17 SECRETARY FARRELL: Paparian?

18 CHAIRPERSON PAPARIAN: Aye.

19 Okay. And so I think it's clear what would go on

20 consent. If there's any hang up or if our staff finds any

21 huge issue in their inspection in the next week, let us

22 know.

23 Okay. We'll take a break and come back in 10

24 minutes.

25 (Thereupon a recess was taken.)

1 CHAIRPERSON PAPARIAN: Okay. I think we're ready
2 to go again.

3 The next item is going to be Item O, related to
4 the Chicago Grade Landfill.

5 DEPUTY DIRECTOR LEVENSON: Consideration of a
6 revised Full Solid Waste Facilities Permit (Disposal
7 Facility) for the Chicago Grade Landfill, San Luis Obispo
8 County.

9 Virginia Rosales will be presenting both this
10 item and the next item.

11 COMMITTEE MEMBER PEACE: I have an ex parte that
12 I think I better mention before we get started. I'd just
13 like to say that I spoke to Chuck Helget and Kevin Baso
14 regarding the Forward landfill, Inc.

15 CHAIRPERSON PAPARIAN: And I also spoke to the
16 same two individuals.

17 Thank you, Mrs. Peace, for mentioning the ex
18 partes. I'd forgotten about that.

19 Go ahead.

20 MS. ROSALES: You said to begin?

21 Okay. I'm sorry.

22 Virginia Rosales with the Permitting and
23 Inspections Branch. Good afternoon.

24 In summary, the proposed permit will allow for
25 the following:

1 Increase the permitted disposal area;
2 Increase the permitted traffic on Saturdays only;
3 Change the estimated closure year from 2026 to
4 2018;
5 Change and clarify the permitted hours, which
6 will now identify the hours for receipt of waste from
7 public and the transfer trailers, ancillary and facility
8 operations, and facility staff and tire shredder employee
9 and operations.

10 They'll also update the RDSI with current
11 operations that were not previously discussed in the RDSI,
12 e.g., the tire storage and the shredding operations, and
13 the load-check program.

14 At the time this item was prepared there was an
15 outstanding violation of daily cover. On June 3rd, 2003,
16 the LEA conducted an inspection of the facility and found
17 that that violation had been corrected.

18 It should be noted that the permit process is
19 running concurrently with the CEQA process. A mitigated
20 negative declaration was circulated for 30-day public
21 review period for the period of April 29th and through May
22 28th, 2003. The county planning and building department
23 is scheduled to consider the adoption of the mitigated
24 negative declaration of June 13th, 2003.

25 Providing the CEQA is adopted on June 13th, Board

1 staff will recommend the Board adopt Resolution Number
2 2003-324, concurring with the issuance of Solid Waste
3 Facilities Permit Number 40-AA-0008.

4 In conclusion, John Cupps, representing the
5 operator, and Jenny McCartney and Scott Milner,
6 representing the LEA, are here and available to answer any
7 questions you may have.

8 CHAIRPERSON PAPARIAN: Okay. Any questions, Mrs.
9 Peace?

10 COMMITTEE MEMBER PEACE: Yes, I'd like to ask the
11 LEA some questions.

12 MR. MILNER: Scott Milner with the San Luis
13 Obispo LEA.

14 MS. MCCARTNEY: Jenny McCartney.

15 COMMITTEE MEMBER PEACE: It says here that the
16 issue of adequate cover is a reoccurring problem here?

17 MR. MILNER: It's been an area of concern in the
18 past. But recent steps have been taken to correct those
19 violations in the area.

20 COMMITTEE MEMBER PEACE: And what recent steps
21 have been taken to correct --

22 MR. MILNER: Just applying more soil on the -- as
23 part of their daily cover. And I think they recently
24 changed some of their personnel to see that those steps
25 were taken.

1 COMMITTEE MEMBER PEACE: So you don't think is
2 going to be a problem in the future?

3 MR. MILNER: No. Adequate measures have been
4 taken to correct that violation. And I think those
5 personnel changes were a big part that.

6 COMMITTEE MEMBER PEACE: I guess it kind of
7 concerned me that even while they had this -- they were in
8 this permit process, that they still had an ADC violation.

9 Don't you think they'd even be more careful
10 knowing that their permit was up --

11 MR. MILNER: Right.

12 COMMITTEE MEMBER PEACE: -- was up for, you know,
13 revision and stuff that they'd be a little more careful to
14 make sure that their ADC was adequate?

15 MR. MILNER: Right. As far as the alternative
16 daily cover, they were using shredded tires. And they
17 recently had to replace some of the blades on the tire
18 shredder. And I guess the setting was a little different
19 than they'd used in the past, and so the tire sizes
20 weren't in spec with what they had produced in the past.

21 But currently they're putting some new blades on
22 that machine, so they're just using soil at this time.

23 COMMITTEE MEMBER PEACE: So you say they have
24 some new personnel. Has this new personnel been to an ADC
25 training class?

1 MR. MILNER: It wasn't a new personnel. They
2 just eliminated one personnel position and shifted some
3 personnel over to the person that's doing the daily cover
4 at the end of the day.

5 COMMITTEE MEMBER PEACE: And you talked to this
6 new person, you feel confident that they're going to be
7 able to keep this place in compliance?

8 MR. MILNER: Yes. They've been at the facility
9 for some time and they're very experienced.

10 COMMITTEE MEMBER PEACE: And what will happen if
11 they have another violation of ADC, adequate daily cover?
12 What will you do?

13 MR. MILNER: They'll be issued another violation
14 and --

15 COMMITTEE MEMBER PEACE: Will they be issued a
16 fine?

17 MR. MILNER: Possibly.

18 COMMITTEE MEMBER PEACE: Since this has been a
19 reoccurring problem, I think they know they have a
20 problem, correct?

21 MR. MILNER: Right.

22 MS. MCCARTNEY: We don't typically issue fines at
23 the time of violation.

24 COMMITTEE MEMBER PEACE: Even if it's a
25 reoccurring problem? I can see if it's one problem this

1 month, another problem next month. But when it's a
2 reoccurring problem and they know that they've had this
3 problem, shouldn't we maybe be issuing some fines if they
4 have the problem again?

5 CHAIRPERSON PAPARIAN: I think our legal counsel
6 wanted to jump in right there.

7 Go ahead, Mr. Bledsoe.

8 STAFF COUNSEL BLEDSOE: Thank you.

9 Ms. Peace, a fine of some sort would only be
10 appropriate after the issuance of a notice and order. So
11 if the LEA discovered another violation and felt that it
12 was appropriate to issue a notice and order, they could if
13 they chose impose fines at that point. So the process
14 that you're discussing really is, "If you discover
15 additional violations, LEA, would you be inclined to issue
16 a notice and order or what are your thoughts about that?"

17 COMMITTEE MEMBER PEACE: Okay. Answer that
18 question please.

19 MS. MCCARTNEY: I think if it was a consistent
20 violation with cover, that we would move towards
21 enforcement in the form of a notice and order.

22 COMMITTEE MEMBER PEACE: You would?

23 I would just like to see though, since this is a
24 reoccurring problem, that they know that we're serious
25 about this and we don't want this to occur again. But if

1 it does occur again, maybe you do give them a notice and
2 order?

3 MR. MILNER: Yes, we would if it was a
4 reoccurring violation.

5 COMMITTEE MEMBER PEACE: Okay. Because they know
6 they have this problem, they know they shouldn't be having
7 this problem. This is something that should be, you know,
8 taken care of because it does protect the public and the
9 environment and that's why we have these rules. And if
10 they can't follow them, then I think maybe we need to give
11 them a notice and order.

12 MR. MILNER: All right.

13 COMMITTEE MEMBER PEACE: Okay.

14 CHAIRPERSON PAPARIAN: Anything else?

15 I wonder -- Mr. Cupps, you're here. Do you want
16 to address any of these issues that have been brought up?

17 MR. CUPPS: John Cupps representing the Chicago
18 Grade Landfill.

19 I think the operator does recognize that he needs
20 to do a little bit better job on the cover issue. And I
21 think he has made some changes not only in terms of
22 personnel. But if you look back over the last couple of
23 years, he's made substantial investments in terms of new
24 equipment, be better able to apply the cover. In addition
25 to that, he has in fact since the general manager and

1 principal owner of their landfill is not there at the
2 landfill full-time, he has installed web cams at various
3 strategic locations, which not only serve security
4 purposes, but allow him to check on such issues as whether
5 or not his employees are doing a proper job of applying
6 cover.

7 So I think between the personnel changes and
8 these other steps, he's positioned to address the issue.

9 COMMITTEE MEMBER PEACE: Yeah, I sure hope so. I
10 hope this isn't a problem in the future.

11 Thank you.

12 CHAIRPERSON PAPARIAN: Okay. Mrs. Peace, what is
13 your inclination on this permit?

14 COMMITTEE MEMBER PEACE: Well, since there's no
15 CEQA yet, just move it to the full Board. You'll notice
16 the CEQA's not complete yet.

17 CHIEF DEPUTY DIRECTOR NAUMAN: Yeah, you'll need
18 to send this to the full Board without any action by the
19 Committee. You're not in a position to vote on this since
20 CEQA hasn't been completed.

21 MR. de BIE: And staff's preference is to allow
22 the CEQA process to be completed with a local agency
23 adopting the mitigated neg dec before the Board takes
24 action.

25 CHAIRPERSON PAPARIAN: Okay. So we'll move it to

1 the full Board without a recommendation.

2 Next item, Number 37.

3 DEPUTY DIRECTOR LEVENSON: Virginia also will be
4 presenting that. That's the consideration of a revised
5 Full Solid Waste Facilities Permit (Transfer Processing
6 Station) for the Santa Maria Transfer Station, San Luis
7 Obispo County. And that has the same CEQA issue before
8 it.

9 MS. ROSALES: In summary, the proposed revised
10 permit will expand and clarify the operating hours. There
11 has been a minor change to the proposed permit, which is
12 not available to you yet. We will work on getting that
13 into the BAWD system and out to all Board members.

14 The change was made at the operator's request.
15 The changes in Permit Condition F. It's been changed to
16 read that load-checks are to be submitted to the LEA on
17 request instead of on a monthly basis. This change is now
18 consistent with the reporting frequency and the
19 self-monitoring program on page 3 of the proposed permit.
20 That states load-checks are be submitted to the LEA on
21 request.

22 Again, the CEQA is running concurrently, so there
23 is no action requested of the Committee at this time.
24 However, if the CEQA is adopted, we would recommend
25 concurrence in the issuance of the permit.

1 This concludes staff's presentation.

2 CHAIRPERSON PAPARIAN: Any questions, Mrs. Peace?

3 COMMITTEE MEMBER PEACE: No, I have no problems
4 with this one at all, except that the CEQA's not here.

5 CHAIRPERSON PAPARIAN: Okay. So, again, the
6 staff's recommendation is we take no action, send it to
7 the full Board We'll await the CEQA outcome. Okay.

8 I think the -- well, both these presentations
9 were fairly abbreviated. But I would think that the Board
10 presentations could be abbreviated as well, unless there
11 are any issues that come up with regards to CEQA.

12 MS. ROSALES: Okay.

13 CHAIRPERSON PAPARIAN: Okay. Thank you.

14 Next item.

15 DEPUTY DIRECTOR LEVENSON: Very good.

16 We have two items left.

17 Item Q, Board Item 38, is the consideration of
18 revised Full Solid Waste Facilities Permit (Disposal
19 Facility) for the Puente Hills Landfill, Los Angeles
20 County.

21 Bill Marciniak will be making that presentation.

22 MR. MARCINIAK: Good afternoon, Board members.

23 The Puente Hills Landfill is located in
24 unincorporated Los Angeles County, southeast of the
25 intersection of State Road 60 and Interstate 605. It is

1 owned and operated by the sanitation districts of Los
2 Angeles County.

3 The proposed permit will allow for the existing
4 Solid Waste Facility Permit to remain effective until
5 October 31st, 2003, where upon a proposed Solid Waste
6 Facility Permit will then take effect to coincide with the
7 effective date of the new CUP. It will allow the
8 continued waste acceptance of a maximum of 13,200 tons per
9 day. However, the weekly limit of 72,000 tons has been
10 removed. The permit limits acceptance of clean soil to
11 11,700 tons per day and 33,000 tons per week of beneficial
12 reuse material, it provides for 74 million cubic yards of
13 capacity. A disposal acreage of 330 acres, increases in
14 elevation from 1,025 feet to 1,148 feet in a main canyon
15 and from 850 feet to 1,075 feet in the eastern canyon. It
16 provides for an extension of the closure date from
17 November 2003 to October 31st, 2013. And the proposed
18 permit provides minor changes in the hours of operation --
19 hours of operations as noted in the agenda item.

20 The LEA has certified that the application
21 package is complete and correct and that the report of
22 facility information meets the requirements of the
23 California Code of Regulations. The LEA has determined
24 that the permit revision is supported by existing
25 California Environmental Quality Act analysis.

1 Board staff have also reviewed the proposed
2 permit and supporting documentation and found them to be
3 acceptable. A pre-permit inspection was conducted on May
4 8th, 2003, with the LEA and no violations of state minimum
5 standards were observed.

6 In conclusion, staff recommend that the Board
7 adopt Solid Waste Facility Permit Decision Number
8 2003-326, concurring with the issuance of Solid Waste
9 Facility Permit Number 19-AA-0053.

10 Grace Chan of the staff of the sanitation
11 district and Kim Yap of the Los Angeles County LEA as well
12 as myself are available to answer any questions you may
13 have.

14 CHAIRPERSON PAPARIAN: Mrs. Peace.

15 COMMITTEE MEMBER PEACE: No, I don't have any
16 questions. I just want to say that I'm just very
17 impressed with this whole report. Here's one of the
18 largest landfills in the United States. There's no
19 violations. They come to us with a complete report.
20 They've done a good job of keeping the public informed so
21 there aren't any complaints. And I just give them thumbs
22 up.

23 CHAIRPERSON PAPARIAN: Yeah, and I think that,
24 you know, from what I've seen there has been tremendous
25 community outreach with this facility and addressing of a

1 number of the community concerns, including having a very
2 clear closure date on this facility with some serious
3 implications if they don't meet the steps leading up to
4 that closure date, as well as I believe it's a dollar a
5 ton that is going into community mitigation. I don't if
6 any of the other operators in the room have anything like
7 a dollar a ton going to the communities. But I think in
8 this case it's going to add up to 30 or 40 million -- \$38
9 million, is that what I heard? -- I'm seeing a nod of
10 yes -- for mitigation to be at the discretion of the
11 community to decide how to spend that money to address
12 issues associated with the landfill.

13 You ready to make a motion?

14 COMMITTEE MEMBER PEACE: Yeah, good job.

15 With that, I'd like to move Resolution Number
16 2003-326, consideration of a revised Full Solid Waste
17 Facilities Permit (Disposal Facility) for the Puente Hills
18 Landfill, Los Angeles County.

19 CHAIRPERSON PAPARIAN: I'll second that.

20 Secretary, call the roll.

21 SECRETARY FARRELL: Peace?

22 COMMITTEE MEMBER PEACE: Aye.

23 SECRETARY FARRELL: Paparian?

24 CHAIRPERSON PAPARIAN: Aye.

25 Now, I actually -- I indicated something to the

1 operator before this which was if it had a 2-0 vote, we
2 might or might not put it on consent given the size of the
3 landfill -- you know, largest landfill in the country, one
4 of the biggest permits that we're voting on. But we have
5 not really heard any controversy with regards to this
6 permit. So I'm wondering if the staff has any suggestion
7 about whether they would like this to go on consent or
8 not.

9 CHIEF DEPUTY DIRECTOR NAUMAN: I think that's up
10 to the Committee. I think you're in position to do
11 either, or any member of the full Board could always take
12 it off consent if they wish to hear a fuller discussion of
13 it. But staff is comfortable if the Committee wants to
14 put it on consent.

15 CHAIRPERSON PAPARIAN: Do you have any
16 inclination, Ms. Peace?

17 We could have an abbreviated -- if we'd have
18 not-on-consent, we could have an abbreviated presentation
19 or we could put it on consent.

20 COMMITTEE MEMBER PEACE: I don't think there's
21 going to be any problem at all with this. I would just
22 put it on consent. But seeing that it is one of the
23 largest landfills or the largest landfill in the United
24 States, maybe we should take it to the full Board, just
25 have a very abbreviated presentation.

1 CHAIRPERSON PAPARIAN: Okay. Why don't we do
2 that then, have an abbreviated presentation. We have a
3 2-0 vote recommending concurrence with the permit. So
4 we'll move it forward with that recommendation and with an
5 abbreviated presentation.

6 CHIEF DEPUTY DIRECTOR NAUMAN: That's fine.

7 CHAIRPERSON PAPARIAN: Ms. Chan, go ahead.

8 MS. CHAN: Hi, Chairman Paparian and Board Member
9 peace. Grace Chan with the L.A. County Sanitation
10 District.

11 I just wanted to quickly thank the LEA staff and
12 the Waste Board staff. They've been a huge help to us
13 from the beginning of the process, which was several years
14 ago. So we really appreciate their help.

15 Thank you.

16 CHAIRPERSON PAPARIAN: And thank you. I know you
17 were prepared to give a PowerPoint presentation if we
18 needed it today. But I think this is one that a lot of us
19 have visited and a lot of us have had a lot of opportunity
20 to study both with the operator and with the local staff
21 and with -- in my case, I've talked to the opposition as
22 well. So I think we're all pretty familiar with what's
23 going on at that facility.

24 Thank you.

25 DEPUTY DIRECTOR LEVENSON: Thank you, Bill.

1 Thank you, Mr. Paparian.

2 Our last item, Item R, is consideration of the
3 contract concept, scope of work, and the State Water
4 Resources Control Board as contractor for the
5 Characterization of Radionuclides in Landfill Leachates
6 and Groundwater Contract (Integrated Waste Management
7 Account FY 2002/03).

8 As you know, this is a follow-up from some of the
9 previous work that the Water Board has done.

10 Scott Walker will be making the presentation.
11 Mike Wochnik would be here, but he's on jury duty. He may
12 wander in if his panel is let out.

13 So Scott will go ahead and make the presentation
14 on his behalf.

15 MR. WALKER: Thank you. Scott Walker, Permitting
16 and Enforcement Division.

17 This item again presents consideration of the
18 contract concept, scope of work, and contract award for a
19 study of radionuclides in landfill leachate in
20 groundwater.

21 The State Water Resources Control Board has
22 requested that the Board contribute \$100,000 to this
23 study. The Water Board would be lead on the study and
24 fund the remaining costs, which would be \$200,000. So the
25 total cost would be \$300,000.

1 At the April 9th Board meeting for the Bradley
2 Landfill permit revision, the State Board presented the
3 preliminary results of their effort to initially sample
4 representative landfills for radionuclides in leachate and
5 groundwater. Radionuclides are not typical constituents
6 monitored at landfills. But because of the recent
7 heightened concern from the public and the Legislature,
8 the State Water Board felt it was important to start an
9 effort to characterize these constituents at landfills.

10 The State Board has concluded that the results of
11 the initial sampling warrant follow-up sampling and
12 evaluation and that expertise is needed from an outside
13 contractor to conduct the required tasks in the scope of
14 work, which would evaluate the data to date, recommend and
15 assist in sampling and analysis for additional sampling to
16 follow-up the data, and then finalize a report with
17 identifying the sources of radionuclides detected and
18 recommended follow-up actions.

19 The proposed contract would be an interagency
20 agreement whereby the State Water Board would be
21 responsible for subcontracting with the outside entity,
22 which for this expertise would be the Lawrence Livermore
23 National Laboratory, which is an entity of the University
24 of California.

25 Board staff conclude that the study would tie in

1 directly and support the Board's interests in
2 load-checking programs for radioactive wastes at
3 landfills. We will continue to work with other agencies
4 to allow for workshops to be scheduled in the near future.

5 In conclusion, staff will recommend the Board
6 adopt Resolution 2003-374, approving the contract concept
7 and scope of work, and Resolution 2003-375, approving the
8 State Water Resources Control Board as contractor for the
9 Characterization of Radionuclides Landfill Leachates in
10 Groundwater Contract.

11 Board staff and representatives from the State
12 Water Board are available to answer questions.

13 CHAIRPERSON PAPARIAN: Okay. I think we may want
14 to hear a little bit more. We did receive a letter of
15 opposition. I don't know if you've had a chance to see
16 this yet. It came in this afternoon from the Sierra Club
17 and Committee to Bridge the Gap.

18 The basic thrust of the argument is that Lawrence
19 Livermore Lab is not an appropriate entity that they would
20 like to contract with because they may have been
21 responsible, either directly or indirectly, through the
22 Department of energy for some of the very materials that
23 they might be asked to offer some opinion about. And that
24 Lawrence Livermore has had other problems which led to it
25 in itself being a superfund site for some of its

1 radioactive materials.

2 So, again, I guess you're just seeing this letter
3 for the first time. I'm wondering --

4 DEPUTY DIRECTOR LEVENSON: I want to point out
5 that our contract is with the -- or our agreement would be
6 with the Water Resources Control Board. We might want to
7 see if they care to respond to that question. I don't if
8 they've seen the letter as well.

9 MR. GIANNOPOULOS: Thank you.

10 My name is James Giannopoulos with the State
11 Water Resources Control Board. And I appeared before the
12 entire Board at its April Board meeting.

13 You had a scope of work attached to your agenda
14 item. That scope of work was probably version 4 or 5.
15 We're on version maybe 13. And I have a copy in front of
16 me. And if you'll indulge me, I'd like to go over a few
17 of those comments, which might address your concerns.

18 I've got 30 copies, which I think is enough for
19 everybody in the room if I can get somebody to help me out
20 here.

21 CHAIRPERSON PAPARIAN: Yeah, Ms. Farrell will
22 help you out there.

23 So just to clarify, what you're handing out is
24 the latest version of the scope of work?

25 MR. GIANNOPOULOS: The latest version of the

1 scope of work. And it's the scope of work between the
2 Water Board and the Lawrence Livermore National
3 Laboratory.

4 DEPUTY DIRECTOR LEVENSON: Just clarification on
5 my part, perhaps as well as others. This does not
6 constitute changes to the scope of work between the Waste
7 Board and the Water Board; is that correct?

8 MR. GIANNOPOULOS: That's correct.

9 DEPUTY DIRECTOR LEVENSON: Okay. So this is the
10 subcontract with Lawrence Livermore and the Water Board's
11 scope of work with the lab that he is referring to.

12 CHAIRPERSON PAPARIAN: Okay. So what we would
13 have in the Resolution 374 is the scope of work with the
14 Water Board --

15 DEPUTY DIRECTOR LEVENSON: Correct.

16 CHAIRPERSON PAPARIAN: -- which is not changing?

17 MR. WALKER: Correct.

18 DEPUTY DIRECTOR LEVENSON: Correct.

19 MR. GIANNOPOULOS: The reason why I distribute
20 this is, first of all, it's the latest information; second
21 of all, it will help me address the points that you made
22 regarding the letter of opposition.

23 I was aware -- I have not seen the letter, but
24 I'm aware of the opposition of both Sierra Club and the
25 Committee to Bridge the Gap. And we've been in

1 discussions with those two groups and their
2 representatives, Bill McGavern and Dan Hirsch, for the
3 last several weeks.

4 Their concern, as you stated, was that they did
5 not feel that Livermore National Laboratory, because they
6 are a generator, because they have their own site, could
7 provide an unbiased interpretation.

8 In response to -- and we propose contracting with
9 Lawrence Livermore for a number of reasons. Number one,
10 we had excellent experience in dealing with Livermore in
11 its Environmental Restoration Division, in looking at MTBE
12 in groundwater statewide, and in also the age dating of
13 groundwater for our groundwater monitoring program. And
14 that age dating uses tritium -- radioactive tritium as a
15 tracer.

16 So we had very, very good experiences dealing
17 with the laboratory. And part of the reason why we
18 initially went with the laboratory was because of the
19 knowledge that they gained in dealing with their own site.

20 The second reason was that they are University of
21 California employees. UC runs the lab under contract with
22 the Department of Energy.

23 And the third reason is because it avoided the
24 time-consuming bid process.

25 So for all of those reasons and the fact that

1 they have a very good hydrogeologist and nuclear
2 scientists to us was a good reason to wrap this all up.

3 The questions that remained after the first round
4 of radioactive sampling were things like: What is the
5 source of beta emissions in leachate? What is the source
6 of uranium, both in leachate in the surrounding
7 groundwater? Why is one landfill different than another
8 in terms of the radiochemistry in its leachate?

9 Those are things that we didn't -- we took it as
10 far as we could as Water Board staff, but we really needed
11 third party expertise to go beyond that.

12 In response to the concerns expressed by Sierra
13 Club and Committee to Bridge the Gap we made some very
14 important modifications to the scope of work.

15 The most important modification we've made is
16 that we are asking the laboratory -- and it is in Item 4,
17 under "Third Party Evaluation" -- that the laboratory
18 provide a separate third party evaluation. In other
19 words, separate from the laboratory. So what this scope
20 would now envision is the lab, the Lawrence Livermore
21 National Lab would do the radiochemistry on a second round
22 of samples. But when it gets the radiochemistry results,
23 it would turn that over to a third -- to a separate third
24 party that would sub to the lab.

25 Okay. That's one.

1 Second, we, the Water Board, would approve a list
2 of third party contractors -- subcontractors. And before
3 we approved that list, we would invite third parties to
4 review that list. So the lab would make a selection of
5 third party based on a State Water Board approved list.

6 In addition to that, we would invite third
7 parties -- third party review of the completion of the
8 products for the first two tasks, which was data
9 evaluation and data sampling, and would also invite third
10 parties to review the sampling protocol.

11 So we feel that it is -- by asking the laboratory
12 to provide a separate third party evaluation of the
13 radiochemistry data, that we are addressing to the fullest
14 extent that we can the concerns expressed by Sierra Club
15 and the Committee to Bridge the Gap while trying to
16 respond to this issue in a timely fashion. If we are not
17 able to execute this contract, we are into next fiscal
18 year, we lose this fiscal year's money. If we have to go
19 through a bid process, we won't be able to address these
20 concerns for nine months to a year, at minimum.

21 That's the long and the short of it.

22 CHAIRPERSON PAPARIAN: Any questions, Mrs. Peace?

23 I'm not sure really what we got. The basic
24 reason why this needs to be done --

25 MR. GIANNOPOULOS: The basic reason why it needs

1 to be done is when we went out to do radiochemistry
2 initially -- and that was done at our own initiative -- we
3 discovered concentrations, radiochemistry concentrations
4 that we couldn't explain. And so we have the need to
5 follow-up and explain those. And we can't do that with
6 in-house expertise. And I originally testified before
7 Senator Gloria Romero in early March, and time is ticking
8 away and we haven't basically initiated a process to
9 respond to those questions.

10 CHAIRPERSON PAPARIAN: Okay. As a result of
11 this -- you know, when the contract is completed and the
12 third party does their work and so forth, in kind of
13 layman's terms, what will we know that we don't know
14 today?

15 MR. GIANNOPOULOS: We would know the source of
16 the beta emissions, whether or not the beta emissions are
17 due to natural compounds or something that can't be
18 explained. And if it's due to something that is not
19 natural, then the -- everything of course is natural, but
20 perhaps non-anthropogenic -- then the laboratory would
21 pursue additional testing as a part of this analysis. It
22 would tell us whether or not the uranium that was detected
23 was due to anthropogenic uranium, whether there was some
24 enriched uranium associated with it. It would probably
25 tell us whether or not we should be -- or maybe assist us

1 in determining whether or not we should be conducting
2 additional radiochemistry sampling at other landfills.
3 Our initial sample size was 50, of which -- I can't recall
4 the number of active landfills. I think there were
5 something in the twenties.

6 CHAIRPERSON PAPARIAN: Okay. Do you have any
7 questions?

8 COMMITTEE MEMBER PEACE: I know they said the
9 total study was 300,000 and we've been asked to give
10 100,000. I think you mentioned where the other 200,000
11 was coming from, but I missed it. Could you --

12 MR. GIANNOPOULOS: It's coming from money that I
13 stole from my staff for septic tank studies.

14 CHAIRPERSON PAPARIAN: From the Water Board's
15 budget.

16 COMMITTEE MEMBER PEACE: So 200,000's coming from
17 Water Board?

18 MR. GIANNOPOULOS: It's Water Board. My staff
19 weren't too happy.

20 CHAIRPERSON PAPARIAN: So what's -- your
21 inclination is?

22 We could send it to the full Board for --

23 COMMITTEE MEMBER PEACE: Since we just got this
24 letter today and this today, I think I would like a little
25 more time to go over it. And this needs to go to the full

1 Board anyway. So let's just move it to the full Board.

2 CHAIRPERSON PAPARIAN: Okay. So we'll move this
3 to the full Board without a recommendation at this point.

4 CHIEF DEPUTY DIRECTOR NAUMAN: With a stop at the
5 Budget and Admin Committee.

6 CHAIRPERSON PAPARIAN: That's right.

7 CHIEF DEPUTY DIRECTOR NAUMAN: It's on their
8 agenda for this week. So the Budget and Admin Committee
9 would see it. And it would still go to the full Board
10 with whatever each of you want to communicate to the
11 Board.

12 CHAIRPERSON PAPARIAN: Right. And I think for
13 the benefit of the representatives from the Water Board --
14 I'm not on the Budget and Admin Committee anymore. I
15 would suspect that -- oh, obviously it would be up to Mr.
16 Washington. But I would suspect they don't need
17 necessarily the type of presentation that we had today,
18 that that would be more appropriate for the full Board.

19 Chief DEPUTY DIRECTOR NAUMAN: That would
20 probably be more appropriate for the full Board.

21 CHAIRPERSON PAPARIAN: Okay. Is there anything
22 else to come before us today?

23 DEPUTY DIRECTOR LEVENSON: Isn't that enough?

24 (Laughter.)

25 DEPUTY DIRECTOR LEVENSON: That is all that we

1 have on the agenda.

2 So we have several items going forward to the
3 Board. We have two additional items that you'll here at
4 the Board only.

5 And we're ready to close for the day.

6 CHAIRPERSON PAPARIAN: Okay. Thank you very
7 much, everybody.

8 (Thereupon the California Integrated
9 Waste Management Board, Permitting and
10 Enforcement Committee adjourned at 3:40 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Committee
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 16th day of June, 2003.

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